

Volume I. Exhibits 1-10 (Deposition Transcripts)

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Exhibit 1:
Brian Edwards Deposition Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STARKIE CORNETT,

Plaintiff,

V.

PARK COUNTY BOARD OF COUNTY
COMMISSIONERS and PARK COUNTY
ROAD AND BRIDGE DIVISION OF
THE PUBLIC WORKS DEPARTMENT,

Defendants.

22-CV-00034

March 13, 2024

Remote oral deposition of Brian Edwards
conducted via Zoom in the State of Wyoming,
commencing at 1:10 p.m. on the above date,
before Barbara Morgenweck, Registered
Professional Reporter, Realtime Reporter and
Notary Public.

MORGENWECK COURT REPORTING

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1 BRIAN EDWARDS,

2 Having first been duly sworn, testified as
3 follows:

4 EXAMINATION

5 BY MR. KELLER:

6 Q. Mr. Edwards, were you listening in on
7 the depositions yesterday?

8 A. Yes, I was.

9 Q. And so you heard that in regards to the
10 oath that you're now sworn under oath and
11 there's -- that has a certain meaning to it?

12 A. Yes, I understand that.

13 Q. What does it mean to you that you are
14 now under oath?

15 A. That I need to tell the truth, nothing
16 but the truth, and that I would be subject to
17 perjury if -- could potentially be subject to
18 perjury if I did not tell the truth.

19 Q. I just want to reiterate a couple rules
20 here, make it easier for the court reporter as
21 well as helps prevent a little bit on the
22 argumentative side of things. So let's try not
23 to talk over each other and give a pause
24 after -- wait for a pause when someone is
25 speaking and then try to answer. Would you

1 agree to do that?

2 A. Yes, I agree to that.

3 Q. You'll have to forgive me. I am not as
4 smooth on a lot of my questions as Mr. Thompson
5 is, so -- but we will go ahead get started,
6 okay?

7 A. Sounds good.

8 Q. What is your -- where do you work?

9 A. I work for Park County Government.

10 Q. That's in Wyoming?

11 A. Yes.

12 Q. What is your position?

13 A. My position is county engineer.

14 Q. What -- as county engineer, what does
15 that job entail?

16 A. It entails several things. Probably
17 difficult to say everything, but I view it as I
18 am the engineer for the county, and that means
19 not just for road and bridge or landfill or
20 anything else. I do a lot of different things
21 for other departments as well. Get called in
22 for different situations, but on a daily basis,
23 I am responsible for managing the Public Works
24 Department, which consists of the Engineering
25 Division, the Solid Waste Division, and then the

1 Road & Bridge Division.

2 Q. As management, does that include
3 supervisory role?

4 A. Yes, sir, it does.

5 Q. Who reports to you directly in the Road
6 & Bridge Department?

7 A. Currently, in my office that would be
8 the operations coordinator, which is John
9 Trapper Marsh, Whitney Weidenborner. Don't ask
10 me to spell her last name, please. Ben
11 McDonald, who is our project manager, and Mike
12 Thompson, who is our sign technician. They all
13 report to me directly, and then within the road
14 and bridge crew, the road and bridge foreman for
15 Cody, which is Louis "Chip" Ash, reports to me.
16 In the Powell road and bridge crew, Delray Paco
17 Jones reports to me, and then our mechanic,
18 Jason Showalter, he reports to me as well. Then
19 within the solid waste division, the solid waste
20 division manager, Travis Ball, he reports to me
21 as well.

22 Q. How long have you been with Park County?

23 A. It will be ten years this September.

24 Q. What is your education?

25 A. I have a bachelor of science degree in

1 civil engineering from University of Wyoming.

2 Then I lack a class or two from having my
3 master's degree in engineering from the
4 University of Arkansas. Graduated from Kelly
5 Walsh High School in Casper.

6 Q. And besides working for Park County, did
7 you work anywhere else prior?

8 A. Yes, I did.

9 Q. Who was that with and how long?

10 A. How far back would you like me to go,
11 sir?

12 Q. You can just give a quick rundown --
13 well, let me ask you this -- let me back up.
14 When did you graduate from University of
15 Wyoming?

16 A. December 1991.

17 Q. Who did you work -- did you go right to
18 grad school after graduating from UW?

19 A. No, I went to grad school part-time
20 while I was full-time employed.

21 Q. Who were you full-time employed with?

22 A. Soon as I got my degree, I hired on with
23 James L. Grant and Associates in Hot Springs,
24 Arkansas, and their main office was in Denver,
25 Colorado.

1 Q. How long did you work there?

2 A. Roughly six months, and then I can
3 explain why, but, yeah, it was a pretty short
4 situation.

5 Q. Who did you work for after -- who did
6 you go to next?

7 A. I went to Genesis Environmental
8 Consulting based in Little Rock, Arkansas.

9 Q. What was your length of time with them?

10 A. So that would have been the summer of
11 1992 until spring 2023, so however long that is;
12 about 11 years, I think.

13 Q. After Genesis Environmental, who was
14 your next employer?

15 A. At that point, I broke off and started
16 my own engineering and consulting company,
17 called Edwards Engineering. It was based in
18 North Little Rock, Arkansas. And I also had an
19 office in Jonesboro, Arkansas.

20 Q. Now at what point did you come back to
21 Wyoming?

22 A. That would have been December 2008.

23 Q. Was that work for another employer?

24 A. Yes, it was.

25 Q. Who was that?

1 A. Holm, Blough and Company. H-O-L-M,
2 Blough is B-L-O-U-G-H, and Company. They're
3 based in Cody -- they were based in Cody at the
4 time.

5 Q. Then from there, Road & Bridge?

6 A. Yes, sir.

7 Q. So you mentioned that foremen for Road &
8 Bridge work for you. What is their job
9 description?

10 A. Each of them have a geographical area
11 that they're responsible for within the county,
12 and the county -- the Cody district is a little
13 bigger. It involves Clark, Meeteetse, Crandall
14 area, and then the Powell area is Eastern Park
15 County, probably about halfway between Cody and
16 Powell. There is territorial areas within that
17 they're responsible for managing their
18 individual crews on a daily basis. Everything
19 from daily maintenance, which is mostly what
20 they do, but we also do some projects as well,
21 but they're responsible for executing those and
22 usually on routine maintenance, they actually
23 direct those activities.

24 Q. Are they also in charge of training?

25 A. Yes, they are. Well, if I could qualify

1 that, as it relates to equipment, that is
2 correct. We do some coordination on the safety
3 side of things with MSHA training, CPR, we go to
4 an annual Safety Congress. Our office does
5 coordinate that type of training.

6 Q. Why is it that you need MSHA training?

7 A. Because we have gravel pits that the
8 county does own, and then we also have private
9 gravel pits or gravel pits owned by or managed
10 by BLM or Bureau of Rec, and we often work to
11 get those pits as far as acquiring gravel or
12 road materials, and my understanding is that
13 it's gray as far as whether or not it is
14 required. We do it just because it is a very
15 good safety program and it's just another way to
16 make sure our employees are trained in the areas
17 of safety.

18 Q. MSHA ever inspect your pits?

19 A. They have not since I have been here.
20 Not the county pits, I will say that.

21 Q. You don't know about the private pits
22 that you work with?

23 A. I don't. I believe I have heard that
24 one of them had been inspected by -- when I say
25 MSHA, it is through the State, Department of

1 Workforce Services or state equivalent of MSHA.

2 I was told that one of them got inspected at one
3 point.

4 Q. Who evaluates the skill levels of the
5 Road & Bridge employees?

6 A. That would be the Road & Bridge foreman,
7 sometimes the assistant foreman. Yes, that is
8 who does it. The case of the landfill, the
9 solid waste manager, I will say that.

10 Q. Is there a set standard for each piece
11 of equipment for evaluation?

12 A. Not that I'm aware of. Probably varies
13 by Road & Bridge foreman.

14 Q. Is there any documented best practices
15 for operating the equipment?

16 A. Nothing that I'm aware of that Park
17 County has generated.

18 Q. Is it the foreman that also recommended
19 advancements?

20 A. That is correct. I will say they
21 recommend to me, and then I make the
22 recommendation to the commissioners.

23 Q. Is there a -- is it a set standard for
24 the recommendations when employees can be
25 recommended for advancement?

1 MR. THOMPSON: Objection to form.

2 BY MR. KELLER:

3 Q. Is there a -- so let me -- I am going to
4 ask that again, because it was a confusing
5 question.

6 MR. KELLER: Thanks, Tom.

7 BY MR. KELLER:

8 Q. So when -- for recommendation -- for
9 advancement to -- let me back up.

10 Is -- actually, I'll save it for a
11 little bit later. Save that question for later.

12 So Ralph -- was Ralph [sic] Nieters a
13 foreman? I mean, Ron?

14 A. Yes. Ron Nieters, yes, he was.

15 Q. He worked for you?

16 A. Yes, he did.

17 Q. How long did he work for Road & Bridge?

18 A. I don't have the exact date, but it was
19 over 35 years. I was told it was kind of the
20 only job he had ever had.

21 Q. Do you believe Ralph -- or I mean, Ron,
22 was a -- Ron Nieters was a qualified
23 knowledgeable foreman?

24 A. As a foreman, yes, good operator too. I
25 had to think on the foreman because we had

1 difference of opinion on a few things, but yes,
2 he was good at what he did.

3 Q. Did you value his opinion?

4 A. I certainly did, yes.

5 Q. Mr. Nieters, he had also trained
6 employees?

7 A. Yes, he did. To my knowledge, he did,
8 yes.

9 Q. When he made recommendations for
10 advancement and the qualifications of employees,
11 did you believe that -- did you believe in his
12 opinion?

13 MR. THOMPSON: Objection to form, vague.

14 THE WITNESS: Yes, I did, and do value
15 Ron Nieters' opinion as it relates to
16 advancement.

17 BY MR. KELLER:

18 Q. Did you have any reason to doubt Ron
19 Nieters' opinions in regards to advancement?

20 MR. THOMPSON: Same objection.

21 THE WITNESS: No, I had no reason to
22 doubt his recommendation.

23 BY MR. KELLER:

24 Q. Did Ron Nieters make a recommendation
25 for advancing Ms. Cornett?

1 A. Yes, he did.

2 Q. Did you have any reason to doubt that
3 recommendation?

4 A. No, I did not.

5 Q. So I want to ask you a little bit about
6 Mr. Delray Jones. How long has Mr. Jones worked
7 for the Park County Road & Bridge?

8 A. If I could refer to the summary table
9 real quick. This is one of your exhibits.

10 Q. Are you talking about Exhibit 13?

11 A. Yeah, it is the matrix that has
12 everybody's name on it, hire dates and wages.

13 Q. Well, we will go ahead and pull up
14 Exhibit 13 then.

15 A. Could you please repeat the question?

16 Q. How long had Delray Jones been with the
17 Park County?

18 A. As of today?

19 Q. Well, let's -- I guess we will pick as
20 of fiscal year 2018?

21 A. Boy, I would have to do a little math
22 there. He hired on November 4, 2002, so not
23 very quick with math.

24 Q. So would you -- is it safe to say that
25 by fiscal year 2018, he had been with Park

1 County for approximately 16 years?

2 A. That looks about right, yes.

3 Q. Do you know what his experience was
4 prior to coming to Park County?

5 A. My understanding is that he worked at
6 various construction occupations and for various
7 companies. I do know that he spent a little
8 time working for Harris Construction, and that I
9 know he did a lot of concrete work. You know,
10 the way of framing and finishing concrete.
11 That's -- I generally know of his qualifications
12 before that time. He was there when I got
13 there.

14 Q. And so would it be safe to say, then,
15 that Mr. Nieters had more experience than Delray
16 Jones by 2018?

17 A. Yes, he did.

18 Q. So when it comes to seeking advancement,
19 you stated that there was no set standard,
20 correct?

21 A. There is -- it does vary by department.
22 No set standard, that is correct.

23 Q. That -- but you relied on the opinion of
24 whoever the foreman is that is making the
25 recommendation?

1 A. I do, and when I say there is no, I
2 guess, plan, we do have a grade/step scale plan
3 that we all are aware of, and we all have to
4 work within, but that is about the extent of it.

5 Q. That grade/step scale, that is what
6 we're seeing here on this Exhibit 13?

7 A. Not entirely, but it is referenced
8 there, that's correct, grade/steps.

9 Q. Can you explain the grade/step?

10 A. I can. So the grade defines a person's
11 position and their duties, and for example, in
12 the Road & Bridge Department, and in the Solid
13 Waste Division, Grade 12 is Operator I, and
14 Grade 15 is Operator II, and a Grade 17 is
15 Operator III. You can see the Road & Bridge
16 foremen are Grade 24. The steps, I think you
17 asked me that too, on the steps, so within each
18 grade there are a number of steps, and that
19 number of steps has changed at least twice since
20 I have been with the county in the way of like
21 splitting the number of steps. So sometimes it
22 is a bit hard to keep up with that, but that is
23 a commissioner decision. Steps is how you move
24 up within your specific grade, okay?

25 Q. So since we're on this Exhibit 13, I

1 want to stick with it here, I guess. So the --
2 we're talking about there is a Bates stamp
3 number down at the corner, 01908, and is this a
4 report that you generated?

5 A. Yes.

6 Q. Is this something you use in your normal
7 daily business?

8 A. Yes, it is.

9 Q. So can you explain what the purpose of
10 what this report is?

11 A. Yes, I can. The reason I put this
12 together is, you know, I always get questions
13 and things from various staff or employees and,
14 you know, it just naturally seems to work out.
15 I have never been one to talk about my wages,
16 but everybody generally knows when you work for
17 the government, everybody knows each other's
18 wages. And so what I do here, and I feel like
19 part of my role when I am meeting with the Road
20 & Bridge foremen, or the Solid Waste Division
21 manager is to make sure that if we are advancing
22 someone, say in the Powell crew, that, say the
23 Powell foreman wants to move up, I have to make
24 sure that by moving him up, we're not -- him or
25 her -- moving that person up, that we're not

1 incorrectly stepping them over somebody say in
2 the Cody crew that has more experience and
3 skills. So I do that every year at budget time,
4 usually the spring. This is usually something
5 that only myself. I have a similar one for
6 solid waste, the landfills, but myself and the
7 Road & Bridge foremen, we sit down and go over
8 this every spring.

9 Q. So you're saying you use this to
10 reference to make sure you're not stepping over
11 other people's skills. So where do you get the
12 information about what their skill level is?

13 A. From the Road & Bridge foremen, from the
14 Cody district foremen and the Powell district
15 foremen.

16 Q. Again, there is no testing done or
17 recording of whether that for that step and
18 grade, is there?

19 A. Not by me, no.

20 Q. So would you say it is fairly subjective
21 as to whether or not someone actually qualifies
22 for that step and grade?

23 MR. THOMPSON: Objection to form.

24 THE WITNESS: I would disagree with
25 that, and mainly because the road, these foremen

1 worked with these individuals every day, and so
2 they know what their skill level is. Them being
3 experienced operators having worked within the
4 Road & Bridge Division for many years, they have
5 a good idea where everybody is at and what their
6 abilities are.

7 BY MR. KELLER:

8 Q. So you've never had, say, a
9 recommendation from one foreman, specific from
10 Ralph, or I mean Ron Nieters, about Star
11 Cornett's skill level and that she is ready for
12 Operator II, and did Delray versus Delray's
13 opinion as to whether she is ready or not for
14 Operator II?

15 MR. THOMPSON: Object to form.
16 Compound, go ahead.

17 THE WITNESS: I did get a recommendation
18 from Ron Nieters, but contrary to the testimony
19 this morning, I did not get that recommendation
20 from Ron Nieters until around 2019, 2020.

21 BY MR. KELLER:

22 Q. By 2019, was -- Star was at that time in
23 the Powell shop, wasn't she?

24 A. I believe so, yes.

25 Q. I want to get back to this before I get

1 lost here. So I'm on 13. We're going back over
2 this now. When we look at the column that says
3 "Position," you have "Operator III, Mechanic,
4 Operator II, I"; can you explain those
5 designations?

6 A. Sure. Within the Road & Bridge Division
7 and the Solid Waste Division, we have basically
8 three levels of operators that have different
9 levels of experience, so an operator skill and
10 ability. So Operator I is someone that has
11 anywhere from minimal or none experience all the
12 way up to maybe an introductory level of
13 experience operating equipment. I consider
14 almost maybe a beginner, and then the
15 intermediate level, I consider as an Operator
16 II, and of course, there is job descriptions for
17 these, and then the Operator III, they're pretty
18 skilled and they're able to operate any
19 equipment that we have, generally speaking. The
20 mechanic Operator III was a position that we
21 actually created. I can't remember when, but
22 maybe two or three years ago. That was because
23 we had lost our mechanic, and we -- our mechanic
24 that was hired was having a hard time keeping
25 up, so we hired a, or we moved a person into

1 that role in the Powell shop to help our
2 mechanic, our full-time mechanic. That is all
3 he does. We also have a mechanic Operator III
4 in the Solid Waste Division as well that
5 basically their job is to do what they can do.
6 If it gets more complicated, we bring in Jason
7 Showalter, who is our main mechanic, lead
8 mechanic. I guess the other op was the
9 supervisor that I see listed any way. I think
10 that is self-explanatory.

11 Q. When I am looking -- so the designation
12 in there, is that -- what point in time
13 because -- well, let me back up. So when I am
14 looking across this document, we have different
15 fiscal years, correct?

16 A. Correct.

17 Q. We have different times and when people
18 started and left the Park County?

19 A. Correct.

20 Q. Okay.

21 A. I will add, these are all people that
22 worked at Park County during my time of
23 employment, so I don't have anybody on here that
24 was -- left prior to my employment with Park
25 County.

1 Q. Okay. And that -- so the position
2 designation, what point in time in the
3 employee's career does that designate?

4 If that is confusing, I can try to
5 rephrase it.

6 A. Yes, could you, please.

7 Q. Yeah, so we see -- I will give you an
8 example. So we see Paul Luthy, and he is an
9 Operator III. So as an Operator III, is that
10 for fiscal year 2024, or would that be for
11 fiscal year 2018? See if I can look a little
12 bit here.

13 A. I am not sure when Paul Luthy moved to
14 an Operator III, to be honest. Based on the
15 wages, it appears likely fiscal year 2022 maybe.
16 I really don't know, but to answer your
17 question, what constitutes somebody, say, moving
18 between levels of, say, an Operator I to a two
19 or a three. There are a few things where they
20 say, like for an Operator II, minimum of four
21 years of experience and a few other things,
22 which, you know, we do try to consider that, but
23 really, it's when the Road & Bridge foreman
24 feels that that person can get to a level that
25 or can excel within the level that they want to

1 be moved up to.

2 Q. Okay. I appreciate that, but I want to
3 thank you for that explanation. I am going to
4 try to clarify my question again a little bit
5 better. I will get back to that. I think my
6 question is a little confusing. So as I am
7 looking at, let's say again, Paul Luthy, we're
8 looking at fiscal year 2018, and I see a 13.71.
9 Is that -- would he have been an Operator III in
10 fiscal year 2018?

11 A. No, he would not.

12 Q. And so when I am looking at this,
13 though, that we look at fiscal year 2024, that's
14 highlighted in blue?

15 A. Yes.

16 Q. So when it says, "Paul Luthy, Cody
17 Operator III," does that designate where he is
18 currently at in position to where he works for
19 fiscal year 2024?

20 A. Yes, it does.

21 Q. Okay. So if I go down to John Klein and
22 these are slashed out. Why are they slashed,
23 the lower half, why are they slashed out?

24 A. These are employees that worked at Park
25 County at some time during my time with Park

1 County, but are no longer with the county due to
2 attrition or whatever reason.

3 Q. So it says under John Klein that he is
4 an Operator II?

5 A. Correct.

6 Q. Would that have been when his last
7 fiscal year of employment with Park County?

8 A. That is correct. I believe he moved up
9 to an Operator II about the same time
10 Ms. Cornett did.

11 Q. He didn't start out in fiscal year 2017
12 as an Operator II, did he?

13 A. No, he did not.

14 Q. So looking at this, he would have made
15 Operator II, say, in fiscal year of 2022?

16 A. I believe that is correct. I think it
17 would have been spring/summer of 2021, which
18 would go into effect fiscal year 2022.

19 Q. Okay. In fiscal year 2022, is it
20 showing that his rate of pay was \$18.17?

21 A. Yes, it does.

22 Q. If we go up to Star Cornett's fiscal
23 year of 2022, what was her rate of pay that
24 year?

25 A. 17.90.

1 Q. Thank you.

2 He was in the Cody shop?

3 A. Correct.

4 Q. What about Phillip Heag?

5 A. He was also in the Cody shop.

6 Q. So I want to get back to what you were
7 stating about the descriptions. You were
8 stating that the -- we were talking about -- let
9 me back up. You were talking about the
10 descriptions for the operators?

11 A. Yes.

12 Q. Okay.

13 A. Sorry. Was there an open question
14 there?

15 Q. No, you answered it.

16 A. Thank you.

17 Q. Just for the record, so we can get on
18 before I forget, can we pull up Exhibit 8?

19 Thank you. And Exhibit 8 here has the
20 descriptions. Is this the -- what you were --
21 believed the question you were answering -- the
22 form?

23 A. Correct. This was the job description
24 for an equipment Operator I.

25 Q. Then we have a similar job description

1 for Operator II?

2 A. Correct.

3 Q. And Operator III?

4 A. Yes.

5 Q. It's your testimony that that's not a
6 set-in-stone policy. It's a guideline for
7 recommendations?

8 MR. THOMPSON: Object to form, misstates
9 his testimony.

10 THE WITNESS: Could you define the
11 guideline? I may not quite understand what
12 you're asking there.

13 BY MR. KELLER:

14 Q. Yeah, let me re-ask that. So I was
15 trying to break down your explanation so I -- I
16 will let you explain in your own words, again,
17 what you were trying to state about Exhibit 8
18 previously.

19 MR. THOMPSON: Object to form. Not a
20 question.

21 MR. KELLER: Okay.

22 BY MR. KELLER:

23 Q. What's the purpose of these Exhibit 8
24 job descriptions?

25 A. So these are county wide. Every

1 department and division for every position that
2 is a Park County position has job descriptions,
3 and the job descriptions fall within that
4 Grade/Step 6 scale that we were talking about.
5 That basically sets where you are on that grade
6 and step scale, but, you know, whether or not it
7 is a guideline, it is what we hire people into
8 when we're reviewing their qualifications and
9 skills.

10 Q. Okay. If a foreman decides that someone
11 is ready based on skill to move up prior to the
12 experience that is listed, you follow the
13 recommendation of the foreman over the job
14 description?

15 A. I do, yes.

16 Q. Because that is the only questions I had
17 on that. I was just trying to clarify that.
18 Sorry for the confusing question.

19 A. No problem.

20 MR. KELLER: One second, Tom. I am
21 going to try to get back to where I was.

22 MR. THOMPSON: Not a problem, sir.

23 BY MR. KELLER:

24 Q. So I want to talk a little bit about the
25 hiring/training of Star. Do you recall when she

1 was hired on as a flagger?

2 A. Yes, I do.

3 Q. When was that?

4 A. I believe it was April 2016. It was
5 definitely in the spring of 2016.

6 Q. Mr. Nieters was her foreman at the time?

7 A. Correct.

8 Q. He was the one responsible for training
9 Star?

10 A. He was, him, and I am going to say Mike
11 Thompson, Tommy Thompson, because in a flagger
12 position, Tommy because of his experience, he
13 usually takes on a lot of the coordination and
14 training of the seasonal help as far as
15 flaggers.

16 Q. Then she became a full-time employee,
17 correct?

18 A. She did, correct.

19 Q. Do you recall when that happened?

20 A. I believe it was November, 2016.

21 Q. I think it had been brought up before,
22 but I am just going to ask again, so was -- did
23 anybody recommend Star for a step up to an
24 Operator II?

25 A. Yes, they did eventually, yes. Not in

1 2016.

2 Q. Okay. When was the first time she was
3 recommended for Operator II?

4 A. I am going to say 2019. That would have
5 been spring 2019.

6 Q. I want to go back to this Exhibit 13.
7 So Exhibit 13 in fiscal years -- can you explain
8 what the -- when the -- what the fiscal year is?

9 A. Yes, I can. Our fiscal years start
10 July 1st and end June 30th.

11 Q. So would fiscal year of '19, would that
12 have started in July 1 of 2019 or July 1 of
13 2018?

14 A. It would be July 1 of 2018. Mr. Keller,
15 if I could, I told you incorrectly. It was
16 actually 2020 when Ron Nieters recommended Star
17 to be an Operator II.

18 Q. Was that in that recommendation in
19 writing?

20 A. No, it was not.

21 Q. Was that based off of a conversation
22 with Mr. Nieters?

23 A. Yes, it was.

24 Q. So would that -- do you recall what
25 month that happened?

1 A. I don't recall which month, but it would
2 have to be April, May timeframe, because that is
3 when we're working on budgets.

4 Q. So had all the budgeted positions been
5 filled at that point in time?

6 MR. THOMPSON: Referring to April/May of
7 2020?

8 BY MR. KELLER:

9 Q. Yeah, let me clarify, so when Ron
10 Nieters, to your memory, made that
11 recommendation of -- in April/May of 2020, were
12 all the budgeted positions filled?

13 A. I can't answer that. I would have to do
14 a little figuring. I believe so, yes, but I am
15 not for sure.

16 Q. So, I mean, as I am looking at
17 Exhibit 13, you had in fiscal year 2018, am I
18 correct in saying that you had Jason Fields and
19 Bill Sanvold that had left the Road and Parks
20 [sic] at that time?

21 MR. THOMPSON: Road & Bridge?

22 MR. KELLER: I mean, Road & Bridge.

23 THE WITNESS: I apologize. My sight is
24 not very good, so Jason Fields, he left in
25 fiscal year 2018/2019, or at least his last pay

1 was fiscal year 2018. Who was the other one you
2 mentioned?

3 BY MR. KELLER:

4 Q. Bill Sanvold?

5 A. Yes, his would have been -- fiscal year
6 2018 would have been his last year of
7 employment, so somewhere between '18 and '19,
8 yes.

9 Q. Okay. And who filled those budgeted
10 positions?

11 A. So let me think about that for a second.
12 When Jason Fields left, I am going to say Tim
13 Morrison.

14 Q. And so then we will go to -- oh, you
15 said one name was -- did he fill both positions
16 budgeted?

17 A. No, I'm sorry, he did not. One was in
18 the Powell crew, and one was in the Cody crew.
19 And I believe there was a little bit of a lag
20 there when we lost -- you know, when the
21 position opened up in the Cody crew, but looking
22 here.

23 I believe Paul Luthy was the one that
24 was hired on to fill that spot.

25 Q. I am going to go to Cindy Stewart. Am I

1 correct in stating that she left at some time in
2 fiscal year 2019?

3 A. Yes, I would say that is correct.

4 Q. We're just looking at the Powell crew,
5 so that would be also the same fiscal year that
6 Dale Hobby left?

7 A. That is correct.

8 Q. At that time, that -- is that when
9 Delray Paco moved out of his position and moved
10 into -- I mean, Delray Jones moved into Dale
11 Hobby's position?

12 A. I believe it was about that time,
13 correct.

14 Q. The -- so were those budgeted positions
15 filled by someone else?

16 A. So we had a little bit of shuffling, so
17 Chris Carter moved up to aqua foreman position,
18 which would have been assistant foreman when
19 Delray took over as foreman. That was Delray's
20 choice, and then we similarly, I am going to say
21 shortly after, Cindy and Dave Williams retired
22 -- Dave Williams from the Cody crew, they
23 retired at the same day. We had their
24 retirement party at the same time. But I will
25 say that after that, we hired Greg Torczon and

1 Kenny Marchant at the same time. Kenny Marchant
2 was hired onto the Powell crew. Greg Torczon
3 hired onto the Cody crew.

4 Q. Why wasn't Star put in -- moved up into
5 Equipment Operator II position to fill that
6 role?

7 MR. THOMPSON: What time period are you
8 discussing?

9 MR. KELLER: We're talking fiscal year
10 of 2020.

11 THE WITNESS: That was not the
12 recommendation that was provided to me by the
13 Road & Bridge foreman.

14 BY MR. KELLER:

15 Q. Okay. You said that Ralph [sic] Nieters
16 had recommended her for advancement to Equipment
17 Operator II, correct?

18 A. Yes, in 2020, correct.

19 Q. Now you're saying that she wasn't
20 recommended for advancement to fill that -- to
21 Equipment Operator II. Who recommended that --
22 who made that recommendation?

23 A. I am not sure I completely follow your
24 question.

25 Q. I just -- you said that was not the

1 recommendation to bring her up to Equipment
2 Operator II, but you just said Ralph, or Ron
3 Nieters, had made that recommendation. So where
4 did the recommendation not to advance her to
5 Equipment Operator II come from?

6 A. There was not a recommendation for her
7 not to move up. The Road & Bridge foreman at
8 the time did not recommend her to move up, so to
9 my knowledge, I don't even recall discussing
10 that, but that was not presented to me as a
11 viable option at the time.

12 Q. Okay. And by that foreman, would that
13 have been Delray Paco Jones?

14 A. I believe so, yes.

15 Q. So are you saying that Ron Nieters
16 wasn't qualified to make that observation or
17 recommendation?

18 A. He was, but he -- at that time he was
19 working in the Cody crew, or he was overseeing
20 the Cody crew, and he did not. He was mainly
21 worried about his crew and advancing his crew,
22 so he did not make the recommendation to advance
23 her at that time.

24 Q. So I am a little confused. When did he
25 make the recommendation?

1 MR. THOMPSON: I think there is
2 confusion about "he."

3 BY MR. KELLER:

4 Q. When did Ron Nieters make -- I am
5 confused to -- well, when did Ron Nieters make
6 the recommendation?

7 A. I apologize, I have a hard time with
8 dates. Sometimes I mess it up. So Star
9 requested we consider for an Operator II on
10 May 23, 2019. At that time, I asked Ron Nieters
11 the very next day, May 24th, did he feel that
12 she was ready to become Operator II, and he said
13 she had all the potential. This is all in my
14 notes that have been provided. She had the
15 potential, but she just needed time in the seat.
16 So that was as of 2019. When she was actually
17 recommended to move up was in 2020 for a fiscal
18 year 2021.

19 Q. Was there a reduction in budgeted
20 positions in Park County?

21 MR. THOMPSON: What dates?

22 BY MR. KELLER:

23 Q. Was there -- in fiscal year of 2020, was
24 there a reduction in positions?

25 A. Not that I remember. I am cautious of

1 that because I know at one point, Ron Nieters --
2 we had lost our Meeteetse Road & Bridge foreman,
3 and we tried for awhile to not fill that
4 position, but to handle it out of Cody, because
5 budgets were lean at that time, and then also, I
6 can't remember who it was that left. Delray
7 tried to run one short for awhile in the Powell
8 crew, but again, ultimately we ended up getting
9 those positions back and filling them.

10 Q. Do you recall if there was in fiscal
11 year of 2020 or fiscal year of 2021, was there a
12 vote by county commissioners to reduce your
13 budget?

14 A. I'd have to go back and double check. I
15 believe there was up until from -- I am going to
16 say, up until the point where Star filed her
17 complaint, we had some very lean budget years.
18 One year we cut our budget by 20 percent, so I
19 can't tell you which years, but I could research
20 that and tell you, but it was multiple years
21 that we were asked to cut our operating budget.

22 Q. Did that include taking away equipment
23 operator positions?

24 A. No, it did not.

25 Q. Go to Exhibit 4, and that would be Park

1 County Policy Manual. And I am looking at Bates
2 Park County 01442. Mr. Edwards, go ahead if you
3 can, just go ahead and review this hiring policy
4 if you can. Let me know when you're finished.

5 A. Okay.

6 Q. So I am looking at the second sentence,
7 and I am going to go ahead and read this to you.
8 "Once a position has been filled and becomes
9 vacant, positions that have been approved in the
10 current fiscal year budget can be filled by the
11 appropriate Elected Official without review or
12 approval of the Board of County Commissioners
13 unless specific action has been taken to freeze
14 hiring within the Park County organization."

15 Did I read that correctly?

16 A. I believe you did, yes.

17 Q. Okay. As far as -- can you explain to
18 me what that first part, where it talks about
19 once a position has been filled becomes vacant,
20 what does that mean to you?

21 A. What has been explained to me is that
22 when -- is if a position has already been
23 approved and filled, say somebody is occupying a
24 position, if they -- if their employment is
25 terminated, whether they quit or the county

1 terminates their employment, that the elected
2 official or the department head that is running
3 a specific department could fill that position
4 without having to go to the County Commissioners
5 for approval, and that is generally explained to
6 me most of the time that as long as the person
7 that we're bringing in is making the same wage
8 or less than the position that's vacated. If we
9 are going to pay more, we usually at least
10 bounce it off the commissioners.

11 Q. Okay. So you said that the elected
12 official or department head -- did I hear you
13 correctly on that?

14 A. Correct.

15 Q. Okay. You're the department head?

16 A. Yes, I am.

17 Q. So if the budgeted position had been
18 left by, say, an equipment Operator III, you
19 could bring in someone for equal or less pay
20 into that position so long as there hasn't been
21 a hiring freeze?

22 A. Correct.

23 Q. Okay.

24 That would include bringing someone in
25 as an equipment Operator II into that position?

1 A. Correct.

2 Q. Was there a hiring freeze in fiscal year
3 of 2020?

4 A. I would have to go back and double check
5 with the clerk's office. There was a hiring
6 freeze sometime for 2021, and it lasted at least
7 a year, maybe two years. We did have some very
8 lean budget times.

9 Q. So do you have -- let me back up. So
10 you stated you had had notes regarding Ron
11 Nieters' recommendations for Star to be
12 advanced?

13 A. I have a note that where I -- where Star
14 came into my office and actually to myself and
15 mentioned it to Ben McDonald, but she
16 specifically asked, she said, "I want to be
17 considered for an Operator II position," and
18 then in my notes, I say it was either that same
19 day or the next day, but I don't have my notes
20 in front of me, but I specifically asked Ron
21 Nieters, is Star ready for an Operator II
22 position? And his statement to me was, "She has
23 all the potential to do that, but she just
24 needs," his exact words were, "She needs time in
25 the seat," was his response.

1 Q. You made those notes immediately after
2 speaking with Star and Mr. Nieters?

3 A. Yes, I did.

4 Q. Was there -- in talking about the hiring
5 freeze, was there an actual memorandum of the
6 hiring freeze?

7 A. I believe there was an action -- there
8 was a commissioner action and I believe -- I
9 don't know if it was a resolution, but the
10 commissioners took action to initiate a hiring
11 freeze, and then I believe there was a similar
12 action when they decided to cease the hiring
13 freeze.

14 During that hiring freeze, all of the
15 department heads or elected officials had to
16 come in front of the commissioners in public
17 session and explain, you know, justify why the
18 position was needed, and that if possible we
19 would try to go for awhile without them and make
20 sure the position was truly needed. So we had
21 to sell ourselves that we needed that position
22 during the hiring freeze, and I can't tell you
23 when the hiring freeze was, but it was before
24 2021.

25 Q. Would that have been in, say, meeting

1 notes, or where would we find that information?

2 Do you know?

3 A. I could get that from the clerk's
4 office. That would be in the commissioner's
5 meeting minutes because that was done in open
6 session in front of the Board of County
7 Commissioners.

8 Q. When was Arthur Briggs hired?

9 A. He was hired February 11, 2017.

10 Q. So you stated Star had started as a
11 flagger prior to February 11, 2017?

12 A. Yes, she did.

13 Q. So technically, was she with Road &
14 Bridge longer than Arthur Briggs?

15 A. Yes, she was.

16 Q. What position did Arthur Briggs start?

17 A. He started as an Equipment Operator I at
18 the rate of 13.71 an hour.

19 Q. Who made the recommendation for him to
20 move up to Equipment Operator II?

21 A. That would have been -- I don't believe
22 Dale Hobby at that point -- that would have been
23 Delray Paco -- Paco Jones.

24 Q. Was he moved up a grade/step to an
25 equipment Operator II before Star?

1 A. Yes, he was.

2 Q. Again, was he tested on any equipment
3 prior -- well, actually, let me back up. What
4 was his experience upon hiring?

5 A. Rowdi, I think anybody that knows him
6 would tell you he grew up on a farm in an ag
7 environment, and so he was operating large farm
8 equipment in the terms of like combines. He had
9 a CDL at the time we hired him. He operated all
10 kinds of equipment related to a farming
11 operation and including large beet trucks, so he
12 was doing that. And he still does that in his
13 spare time. But, yeah, mainly farm related,
14 that is why we hired him when we did.

15 Q. Did you test him on any equipment upon
16 hiring?

17 A. I did not, no, and I normally don't.

18 Q. You just go off of the word of the
19 applicant?

20 A. No, I also go off references when I can.

21 MR. THOMPSON: Counsel, is this a good
22 time for a break? We have been going about an
23 hour and 15 minutes.

24 MR. KELLER: Yes, sounds good.

25 (A recess was taken from 2:27 p.m. until

1 2:33 p.m.)

2 BY MR. KELLER:

3 Q. Mr. Edwards, we are back on the record.

4 So as we were talking a bit about Arthur Briggs
5 and hiring, so I am just going to go down the
6 list because we don't have access to anybody's
7 applications, so Mark Norton, when was he hired?

8 A. February 14, 2019.

9 Q. What was in his application -- what was
10 his experience?

11 A. So he worked for a -- he had some
12 hauling experience in terms of having a CDL, and
13 driving heavy trucks. He also worked for
14 Northwest Rural Water District where he was
15 responsible for maintaining, you know, water
16 systems, you know, where he would operate
17 backhoe, track hoe, that kind of thing and
18 fixing waterlines or working with waterlines,
19 and then he also worked for the -- I am trying
20 to recall. He worked for a ranch. The name of
21 it is slipping me, but he worked for a ranch
22 doing ranch management type activities.

23 Q. What grade and step was he upon hiring?

24 A. He was hired on as a Grade 17, Step 3.

25 I'm sorry, that's what he is now. He was hired

1 on, I would have to double check, it might have
2 been at Operator II, but I can't tell from this.

3 Q. Do you recall -- well, never mind. I
4 think we have already asked that.

5 Denny Orrin, when was he hired?

6 A. He was hired February 6, 2023.

7 Q. What was his experience upon hire?

8 A. Been on equipment all of his life on
9 farming type activities, so large trucks, had
10 his CDL, over-the-road type things, large farm
11 equipment, some mechanic capabilities too, but
12 basically born and raised on equipment.

13 Q. When was Mark Norton hired?

14 A. February 14, 2019.

15 Q. What was his experience upon hire?

16 A. I gave that a minute ago.

17 Q. Nope, never mind. It's a double in
18 there. Sorry.

19 Kenny Marchant. I keep mispronouncing
20 it.

21 A. So Kenny hired on at the same time as
22 Greg Torczon, January 28, 2019.

23 Q. What experience did Kenny have prior to
24 being hired?

25 A. At the time we hired him, he owned his

1 own reclamation company, Marchant Reclamation,
2 and I knew of Kenny beforehand on some landfill
3 closure projects where he did -- his company did
4 some reclamation work for the county, and so
5 that I kind of knew of Kenny. Contrary to what
6 was said yesterday, I was not personal friends
7 with Kenny prior to hiring him. I just knew him
8 professionally, but, yeah, he had operated all
9 kinds of equipment. I don't believe he had
10 operated a motor grader. That is why we hired
11 him in as an Operator II. But he had operated,
12 you know, small dozers. He had operated, you
13 know, loaders, forklifts, skid steers, trucks,
14 you know, had his CDL and, you know, moving
15 things around, and if you're familiar with the
16 reclamation activities, a little bit of
17 everything: Little smoothing, leveling,
18 installing, erosion matting, that kind of thing
19 and seeding. Seeding was the big part of it,
20 seeding equipment.

21 Q. On his application, did he actually put
22 down that he ran a dozer?

23 A. I don't believe so. I think that came
24 out in his interview.

25 Q. Did he put down that he had run -- he

1 was running backhoes on his application?

2 A. I don't recall.

3 Q. Greg Torczon?

4 A. Greg Torczon hired on same time as
5 Kenney, January 28, 2019, and he was also hired
6 on as an Operator II at that time, I believe,
7 and still is. He had some prior experience and
8 I'd have to go back and check notes on what he
9 did prior to. He worked in construction, but I
10 can't recall what specifically his background
11 was before this.

12 Q. I'm sorry. I didn't mean to step in.
13 What kind of construction?

14 A. I'd have to go back and re-look at his
15 application/resume. At that particular time, we
16 interviewed several people. At the time, I
17 can't recall. I knew Kenny, but Greg, I can't
18 recall what his specific experience was. I can
19 look at his application and tell you, but I
20 don't recall.

21 Q. Tim Morrison?

22 A. So Tim Morrison, he hired on
23 September 10, 2018, as an Operator III in the
24 Powell crew. Tim previously, he worked at
25 Vincent Road and Bridge Work, where -- I worked

1 -- he was in the military, was one thing, I
2 know that. Then he -- in Colorado, he did some
3 work with the fire department, heavy trucks,
4 whatnot in the fire department, and then he --
5 his dad was Road & Bridge foreman, so I know he
6 operated equipment with him at that time, and
7 then he hired on with City of Cody and their
8 street department and operated all kinds of
9 different equipment. He did have some
10 experience on the motor grader, but his
11 experience was not laying out gravel. I think
12 that is some of the things that Star was
13 referring to.

14 Q. Michael Lohr.

15 A. Michael Lohr. So we hired him on in
16 January 18, 2021, and he was actually hired on
17 as an Operator II, same thing, grew up ranching,
18 farming, and he had a lot of -- I am trying to
19 remember who the company was -- he worked -- a
20 lot of mechanic experience. I can't remember if
21 he was certified but a lot of mechanic
22 experience, and that was part of why we hired
23 him.

24 And then on the equipment side of
25 things, he had operated, you know, several

1 different types of equipment. Reed, I think,
2 was who he had worked for at the time, but I
3 can't remember specifics. But he did have some
4 prior experience.

5 Q. You were mentioning certifications. You
6 can't recall if he was certified mechanic?

7 A. I can't recall, no.

8 Q. Do you recall from on his application,
9 he had any education, say, at a two-year trade
10 school, learning how to be a mechanic?

11 A. He didn't have that on his application,
12 no. I believe he did have some training in it
13 though, came out in our interview.

14 Q. Does he have welding certifications?

15 A. That, I am not sure of.

16 Q. Has he -- Michael Lohr, as part of being
17 a mechanic, does he do welding?

18 A. Not very often, but he does.

19 Q. Scott Beechler?

20 A. Scott Beechler. So he was hired on
21 October 17, 2022, as an Operator III. And he
22 actually came to us from Iowa, where he was
23 doing very similar work for most of his career
24 as a road and bridge operator. So he operated
25 everything, lots of experience with motor

1 graders to everything. He came highly
2 qualified.

3 Q. In regards to all these, I am going to
4 ask again, was there any testing to verify their
5 experience?

6 A. Not by me, no.

7 Q. Was there testing so -- let me back that
8 up. Upon hire, if they are found to not be as
9 competent as they have claimed, what is the --
10 are there any repercussions?

11 A. That's never happened since I have been
12 here. Sometimes the pay scale has a way of we
13 can adjust that as far as maybe this person is
14 about right where they're supposed to be and
15 that gap will close between some of the people
16 under him, so we do try to adjust where people
17 are in this every year to evaluate where they're
18 at. When I say "we," not myself, the two road
19 and bridge foremen, but as far as putting
20 somebody back and demoting them to a lower
21 level, that has not come up since my time at the
22 county. I have not been informed by either Road
23 & Bridge foremen of any individual that needed
24 to be -- that wasn't as billed, I will say that.

25 Q. Have you heard of complaints from any

1 other operators about new hires not being
2 competent at their job?

3 A. Just from Star Cornett.

4 Q. Only Star Cornett?

5 A. That I recall, yes. Star Cornett, that
6 I recall.

7 Q. So as the chief engineer, do you track
8 operational performance of each employee?

9 A. I don't track it, no. I don't, but I'd
10 say it is evaluated once a year, at least, for
11 me anyway.

12 Q. By evaluate, can you explain that?

13 A. Yes, it is a meeting with Road & Bridge
14 foremen where we talk about how each individual
15 is doing. Somebody is excelling, really moving
16 ahead, they will point that out, and I would say
17 they will almost beat the table that this person
18 is really a keeper. It could be work ethic to,
19 you know, just for whatever reason. Some
20 people, Rowdi is a good example of that, just
21 move up any piece of equipment he gets on, he's
22 just a natural at it. And so, yeah, those are
23 the kind of conversations we have as how each
24 individual is doing.

25 Q. When it comes to, say, for example, the

1 operating of the equipment, let's say, a truck.
2 Do you have any way of oper -- you don't monitor
3 or track at all how they're doing in the truck,
4 like, hard stops or, you know, how many cycles
5 of material they are able to run?

6 A. I don't do that, no. I will say, we
7 track -- I have that capability because we have,
8 we track what I call almost job cost accounting,
9 where everybody submits their daily work
10 activities, and we know what equipment they are
11 operating, where they are operating, and what
12 project they are using it on, how many hours,
13 that kind of thing.

14 But we do -- so, you know, a lot of
15 times I get called by a commissioner or somebody
16 in the public, how much time or money did we
17 spend on a certain project? We haven't always
18 had that capability, but the last, say, four or
19 five years, we have been able to do that.

20 Q. So does that also track hours for each
21 employee on each piece of equipment?

22 A. It does.

23 Q. Have you ever done that for Star
24 Cornett?

25 A. I have not done that, but people in my

1 office entered that information or they used to
2 enter it via paper. Now all the employees enter
3 their time on iPads on surfaces so their time
4 comes automatically into the program we use,
5 which is called "iWork."

6 And then we have somebody in here in the
7 office that double checks to make sure
8 everything is -- correctly, you know, whether --
9 which the proper borrow pit, the proper type of
10 material. Sometimes that takes conversations
11 with the person that is operating the equipment,
12 and sometimes it takes conversations with the
13 Road & Bridge foremen, but, yeah, all the
14 employees track their activities.

15 Q. So going -- I guess, kind of going back
16 to this, I mean, you have all this information,
17 how do you compare, or did you compare, Star's
18 performance to other equipment operators?

19 A. Based on the Road & Bridge foreman's
20 recommendation.

21 Q. Again, that would be from Delray Jones?

22 A. Delray Jones and Ron Nieters.

23 Sometimes, one or two of the times we sat in, an
24 assistant foreman might be there, like, I know
25 Chris Carter, when he was the assistant foreman,

1 he would sometimes weigh in and provide his
2 opinion as well, but I relied heavily on the
3 Road & Bridge foreman's opinion.

4 Q. I am going to go back a little bit on
5 these mechanic stuff and repairs. So in your
6 shop, is there a quality control procedure for
7 repairs?

8 MR. THOMPSON: Are you referring to the
9 Powell shop, the Cody shop, or some other shop?

10 BY MR. KELLER:

11 Q. I will back up. In the shop, in Road &
12 Bridge in Park, is there a quality control
13 procedure for repairs?

14 A. Not a written procedure, no.

15 Q. Is there a verbal procedure?

16 A. That is going to vary by shop, but
17 the -- generally the -- if there is a service or
18 repair done, a mechanic, depending on the
19 difficulty, will do the repairs, and my
20 understanding that the Road & Bridge foreman is
21 aware of that, and they are at least aware that
22 work and that they're following up. And I
23 suspect the operators probably do that as well.
24 Involved with it, but yeah, that is going to
25 vary between shops.

1 Q. Do you have a head maintenance
2 individual?

3 A. I do, yes.

4 Q. Who is that?

5 A. Jason Showalter.

6 Q. How do you spell his name?

7 A. S-H-O-W-A-L-T-E-R.

8 Q. What are his qualifications as head
9 maintenance?

10 A. His qualifications, he's a mechanic.
11 That's about all he has done his whole career
12 life. We hired him from a local equipment
13 supply company where he was doing all of their
14 repairs and maintenance. So we knew of Jason
15 beforehand, but mostly his experience is
16 mechanic related work, various companies.

17 Q. Do you know if he's a certified
18 welding -- welder -- welding inspector?

19 A. I am not sure about that, no.

20 Q. Jason Showalter, he reports directly to
21 you?

22 A. He does, yes.

23 Q. I want to talk to you a little bit about
24 the Employee Handbook. I believe that is
25 Exhibit 5, I think? Is that the one we were

1 looking at? No, Exhibit 4. Mr. Edwards, have
2 you seen this Park County Policy Manual before?

3 A. Yes, I have.

4 Q. What is the date on it?

5 A. Says July 1, 2017.

6 Q. You have had a chance to review and
7 familiarize yourself with the manual?

8 A. Yes, I have.

9 Q. In your own words, what does unlawful
10 harassment mean to you?

11 MR. THOMPSON: Objection to form.

12 THE WITNESS: To me, unlawful harassment
13 is anything that could rise to the level of
14 discrimination based on age, sex, sexual
15 orientation, age, things like that, as well as
16 from a sexual side, somebody that refers to
17 something sexually or some inappropriate remark
18 that is of a derogatory nature that would make a
19 person of the opposite sex uncomfortable in the
20 workplace. Where they can't do their job as
21 they need to. That is my non-legal opinion.

22 BY MR. KELLER:

23 Q. Okay. And someone has a complaint of
24 discrimination, who are they supposed to
25 complain to?

1 A. Per the manual, it would be the county
2 attorney.

3 Q. And when Star made complaints, who did
4 she make the complaints to?

5 MR. THOMPSON: Objection to form,
6 foundation.

7 BY MR. KELLER:

8 Q. Did Star make complaints of
9 discrimination?

10 A. She did.

11 Q. When was the first time she made a
12 complaint?

13 A. A complaint regarding discrimination was
14 February 2020. February 14th, to be exact.

15 Q. And at that time, did you direct her to
16 go to the county attorney?

17 A. I immediately called the county attorney
18 after our conversation, and because that was
19 something that hadn't happened for me since I
20 have been here, so I wanted to make sure that we
21 were following appropriate protocols, so I
22 called him, if not that day, it seemed like that
23 was on a Friday. I probably called him on a
24 Monday, but I notified him immediately.

25 Q. Did you inform Star that the county

1 attorney was involved?

2 A. I did.

3 Q. When did you inform Star?

4 A. I'm not sure if I told her when she came
5 into my office on February 14, 2020. I think at
6 that point, I probably said something to the
7 effect, well, this is a serious allegation, and
8 I will definitely look into it. And then I
9 believe I followed up with her after I talked to
10 Bryan Skoric, and told her that the county
11 attorney's office was going to be investigating
12 the matter.

13 Q. In regards to claims of harassment, when
14 was the first time Star made a claim?

15 MR. THOMPSON: Objection to form. Asked
16 and answered.

17 BY MR. KELLER:

18 Q. Let me back up. Did Star make -- call
19 you to make complaints about harassment?

20 A. No, none of our prior meetings had never
21 rose to my opinion what would be considered
22 harassment.

23 Q. Okay. So she had called or spoke to you
24 that you said in a previous meeting -- that you
25 said they didn't rise to what you considered a

1 level of harassment. What were the complaints
2 for?

3 A. So there were multiple meetings with
4 Ms. Cornett. The first one I had a record of
5 was actually December 14, 2018, when she was in
6 the Powell Road & Bridge shop.

7 Prior to that, I know she says we had a
8 conversation on August 4, 2017, and I have no
9 reason to dispute that.

10 While she was in the Cody crew, I talked
11 to her at least three or four times, no more
12 than five, but three or four times, and the
13 nature of those varied.

14 As you'd probably figured out, Star
15 likes to talk, like a very friendly outgoing,
16 and so she has always got a lot to say. So it
17 would vary anything from somebody speeding or
18 not doing something safely to oftentimes it was
19 about Ron, that Ron Nieters, that he -- there
20 would be times when Ron would -- where they have
21 their morning meetings before they get ready to
22 go out to work.

23 Ron would go around the table, say, so
24 and so, I need you to go here and do this, so
25 and so, I need you to load trucks here. And

1 they would get to the end, and there would be
2 Star. And Star -- Ron would say, Star, why
3 don't you come with me, and we will go check
4 roads.

5 And so Star, in her opinion, she felt
6 like the rest of the crew was looking like that
7 she was not capable, or that she didn't have a
8 role or a job or something, and so I am going to
9 say most of those meetings during the Cody time
10 were regarding Ron Nieters, and she wanted to
11 move up and be able to operate on other pieces
12 of equipment, and she was unhappy that Ron
13 didn't seem to be cross training everybody
14 enough on equipment.

15 She did on at least one occasion,
16 probably a couple, she was having a hard time
17 with both Tom Hilts, Gator, and Louis "Chip"
18 Ash, as well. And mainly that the way that they
19 spoke to her and that they were -- I can't
20 remember exact words, but something to the
21 effect of, mean, you know, that they were short.

22 And I can't think of the right word,
23 just real firm with her and abrupt, thinking at
24 the time that -- I did follow up every time she
25 come to my office about something in the Cody

1 crew, every single time, I talked to Ron Nieters
2 about it.

3 You know, and Ron's response to me would
4 be, he would say, Chip and/or Gator, that is how
5 they are with everybody. That's just their
6 personality is short gruff. Gator sometimes is
7 considered he gets in a hurry, so he can be kind
8 of abrupt or short with people, but I never took
9 it that either of those two were treating her
10 any different than anybody else.

11 Q. Okay. So I am going to back up. So
12 when you were saying that, it was Ron Nieters
13 that she complained about and not Tom or about
14 Gator, I believe it's Tom Hiltz?

15 A. She did complain about Tom Hiltz at
16 least once, but most of our conversations were
17 in regard to Ron Nieters, and not in a
18 derogatory way.

19 She, I think, liked and respected Ron,
20 but she felt the fact that Ron would not maybe
21 send her out and have assignments for her,
22 things like that, or that she would -- maybe she
23 stood out of the crew because other people were
24 out working on a job or doing something, and in
25 fairness to Ron, I felt like maybe Ron was

1 having a difficult time figuring out what to do
2 with her because of her lack of experience. You
3 would have to ask Ron.

4 Q. You're speculating as to that. You
5 don't know --

6 A. I am, but Ron and I did have those
7 conversations. He would say often that -- and
8 he will tell you to this day, in his position he
9 probably didn't do a lot of cross training. He
10 lost a lot of experienced operators to attrition
11 during my time, and he would often say, because
12 I'd have other people coming in wanting --
13 complaining that they -- all I get to do is
14 drive a truck. So she is not the only one that
15 did that. So there were multiple others did
16 that quite regularly.

17 Q. I am going to cut you off there for a
18 second. When you were talking about her
19 complaint, she never complained to you about the
20 specific words that Gator used calling her
21 something to the effect of like the token bitch
22 or anything like that?

23 A. -- I don't recall that, no.

24 Q. Anything similar to that?

25 A. I do recall her making a statement that

1 when the crew came back one day, somebody, and I
2 can't recall who it was, that because she didn't
3 tell me this. She left early or something, and
4 that someone would say something like, "So
5 you're not going to put in a full day's work
6 today?" Or that kind of thing.

7 And then I know that somebody said, or
8 she said that somebody said, "What have you been
9 doing, snuggling up to Ron all day?" So that
10 was -- she did tell me that.

11 As far as the name calling, I am sorry,
12 it has been such a long time, I don't recall
13 that. I can tell you the C word when the first
14 time I recall hearing that was when Jack
15 Hatfield, the deputy county attorney,
16 interviewed me, and I was a bit surprised when
17 he said it, because that is not something that I
18 hear every day, it is not in my vocabulary. I
19 think I would have recalled that, but maybe it
20 did happen, but I certainly don't recall that.

21 Q. Do you recall talking or advising Star
22 to speak with a Cindy Stewart?

23 A. I do.

24 Q. Did you advise her to speak with Cindy
25 Stewart to learn what -- to learn how to work in

1 a man's job or something similar to that effect?

2 A. I did not use the words that Star said I
3 used. I knew that Cindy had worked in the Road
4 & Bridge system for many, many years, and
5 knowing Cindy, based on her personality, she had
6 a way about if somebody was maybe giving her a
7 hard time about something, she would give it
8 right back times ten. She's just as tough as
9 nails, and, you know, she had success getting
10 along within the crew because of that.

11 And I guess the reason I single her out
12 is, yes, because I put myself in Star's
13 position, you know, whether this is appropriate
14 or not, if you put me in a -- if I am the only
15 one in a group of a bunch of males, I would have
16 a hard time fitting in as well. And I knew that
17 she was struggling fitting in with some of the
18 senior level operators.

19 I think some thought that she came in
20 and was given opportunities above them, and so,
21 yeah, I know that she was ruffling some feathers
22 within the Cody crew, and so she was having
23 trouble fitting in and that's -- I don't
24 remember if it was when she was in Cody or
25 Powell, but at one point I did suggest that she

1 talk to Cindy Stewart.

2 Q. Before Cindy Stewart retired, did she
3 talk to you at all why she was leaving?

4 A. She did not.

5 Q. She didn't tell you at all why she was
6 leaving?

7 A. She might have. I don't recall. I
8 don't recall. She left about the same time --
9 the exact same time as Dave Williams, and I
10 thought she had been doing a long time. She was
11 of the age to retire, so I didn't question it
12 though.

13 Q. You don't recall her telling you that
14 the reason why she was leaving was because she
15 refused to work for Delray Paco Jones?

16 A. I don't recall that, no.

17 Q. Who handles the employee files?

18 A. The county clerk's office.

19 Q. Who would oversee entering accident
20 reports into employee files?

21 A. That is usually me. I would think that
22 sometimes -- I believe when because we go
23 through the clerk's office when there is an
24 accident that rises to the level of reporting an
25 insurance type issue, especially involving

1 something outside of the county, like hitting
2 somebody else. That, I believe the clerk put
3 something in their file with that, maybe the
4 accident report or something like that, but I am
5 not a hundred percent sure what their policy is
6 on that. That would be the clerk.

7 Q. Okay. So do blown tires normally end up
8 in employee files for the majority of your Road
9 & Bridge employees?

10 A. No, they do not.

11 Q. I'm going to blow up Exhibit 15.
12 Mr. Edwards, have you seen this Exhibit 15?

13 A. Yes, I have.

14 Q. Where did you see this?

15 A. I first saw it from -- I can't remember
16 if it was Delray or Ben McDonald provided me
17 photos, and I believe at the time there were
18 other photos. But, yeah, at the time the
19 incident happened, I saw this photo, or
20 something like this photo, maybe from a
21 different angle.

22 Q. So you -- when did you see this photo or
23 some photo the same type of photo of this
24 incident?

25 A. The date on there says 2017. I really

1 don't recall when this took place. It says on
2 the top September 9, 2019, so I would say some
3 time, if not that same day, shortly thereafter.

4 Q. Do you know if these made it into the
5 employee file of the operator of this equipment?

6 A. I don't believe so, no, because no
7 equipment was damaged.

8 Q. I want to look at Exhibit 16. Have you
9 seen Exhibit 16 before.

10 A. Yes, I have.

11 Q. Can you tell me what Exhibit 16 is?

12 A. So this was a situation that occurred
13 down on County Road 7 RP, which is a project
14 we're working on now. You can tell from the
15 time of year too, the conditions were a little
16 bit slick and whatnot, and this was Tim Morrison
17 was operating this truck, and my understanding
18 is that the shoulders, because part of what they
19 were doing was building out the shoulders and
20 filling it, widening it, extending the road, but
21 you know, admittedly he probably got a little
22 too close to the shoulder of the road and slid
23 off.

24 Q. Do you know if this made it into Tim
25 Morrison's employee file?

1 A. It did not because my understanding was
2 any of the damage was not his fault. There was
3 some damage to the truck, but that was at the
4 advice of other operators.

5 Q. I am going to look at Exhibit 17. Have
6 you seen Exhibit 17 before?

7 A. I don't believe I have seen that until
8 it was provided to me by our attorney. And I am
9 going to say the last couple days. I don't
10 recall seeing that.

11 Q. In Exhibit 17, in your own words, what
12 are you looking at?

13 A. I understand it's the water truck and
14 some damage to one of the guard rails on the
15 side rails on the water truck.

16 Q. Was that damage ever reported to you?

17 A. Not to my recollection, no.

18 Q. So you don't know if that ever made it
19 into whoever the equipment operator is that
20 caused the damage, if it ended up in their
21 employee file?

22 MR. THOMPSON: Objection to form,
23 foundation. Assumes facts not in evidence.

24 MR. KELLER: Okay. I will back up.

25 BY MR. KELLER:

1 Q. Do you know who caused the damage?

2 A. My understanding, because I had to ask
3 Delray what this was. This has been in the last
4 few days. Was that Tim Morrison, if my
5 understanding is correct, he was operating a
6 motor grader, and I think he got too close to it
7 and either backed into it or hit it somehow.

8 Q. Do you know if this equipment made it
9 into Tim Morrison's employee file?

10 A. I am not sure, sir.

11 MR. KELLER: I am going to take a break
12 here, Tom. I think I am done. I just want to
13 go through my questions here and see if there is
14 anything I haven't gone over.

15 (A recess was taken from 3:17 p.m. until
16 3:23 p.m.)

17 MR. KELLER: Mr. Edwards, I don't have a
18 whole lot of questions here, just a couple of
19 clean up questions.

20 BY MR. KELLER:

21 Q. We had previously talked about the grade
22 and step system. You mentioned your time while
23 you were at Road & Bridge, it had changed a few
24 times. When was the last change?

25 A. I am not a hundred percent certain, but

1 I know it did change in 2021. When I say
2 "changed," the steps were split so that there
3 were instead of, say there was 15 steps, then it
4 became 30 steps. And the reason was at the
5 time, because at least one of the times is the
6 steps were about a three percent difference, and
7 with the amount of raises, we were allowed to
8 provide in a given year, it kind of restricted
9 our hands if we wanted to -- if they were given
10 a COLA, and we wanted to give a half a step or
11 something like that, we weren't able to do it.
12 So that was the recommendation of the department
13 heads and the elected officials, they made that
14 recommendation to the commissioners who approved
15 that.

16 Q. Getting to Kris Cooper, when did he
17 leave Road & Bridge?

18 A. I don't have the exact date, but I know
19 it was after February 14, 2020, and before she
20 filed her documentation with EEOC. I am trying
21 to think of about when that was, so that would
22 have been some time in 2020, I suspect.

23 Q. What were the terms on the Mr. Cooper
24 leaving?

25 MR. THOMPSON: Counsel, I am going to

1 object to the extent this involves personnel
2 matters that otherwise would be confidential
3 pursuant to Wyoming law. I think he can talk
4 about whether he voluntarily resigned or was
5 discharged, but I am hesitant to allow him to
6 testify in regards to matters which could be
7 future litigation.

8 BY MR. KELLER:

9 Q. I want to back up that question there,
10 Mr. Edwards. You sat in on Star's deposition,
11 did you not?

12 A. I did, yes.

13 Q. Okay. And you heard accusations that,
14 or not accusations, but essentially questions of
15 Star trying to cooperate with Mr. Cooper to fire
16 Delray Jones, correct?

17 A. I did hear that in the testimony, yes.

18 Q. Okay. And so was Mr. Cooper having
19 issues with Delray Jones when he worked there?

20 A. He was, yes.

21 Q. Was that the reason why Mr. Cooper left?

22 A. Not the only reason, no.

23 Q. Did that have a factor in Mr. Cooper
24 leaving?

25 A. It did play into that decision, yes.

1 Q. Okay.

2 A. Not the sole reason though.

3 Q. Was he discharged by the county?

4 A. Yes, he was.

5 MR. KELLER: That is all the questions I
6 have.

7 MR. THOMPSON: I actually have a couple
8 questions, but it is going to be very brief.

9 BY MR. THOMPSON:

10 Q. We go to the Personnel and Policy Manual
11 dated January 1, 2008, go to page 16.

12 MS. OATSVALL: I'm sorry, Tom, I didn't
13 catch the page.

14 MR. THOMPSON: I believe it is under 16,
15 right there. Thank you.

16 BY MR. THOMPSON:

17 Q. Mr. Edwards, can you read to yourself
18 that first paragraph under Chapter 4, Equal
19 Employment Opportunities? Just let me know when
20 you have read that.

21 A. Okay.

22 Q. Based upon your experience as the county
23 engineer for Park County, do you believe that
24 you have followed the mandate set forth under
25 Equal Employment Opportunity of this policy

1 manual?

2 A. Yes, I do, absolutely.

3 Q. And when you consider an employee for a
4 pay raise or a promotion, do you consider their
5 race, color, religion, gender or national
6 origin?

7 A. Absolutely not.

8 Q. Do you believe that you pay both men and
9 women based upon their performance experience
10 and longevity?

11 A. Yes, I do. That is how I do it.

12 Q. Can we go now to the exhibit, I believe
13 it is 12, with the wage -- Summary of Wages,
14 Exhibit 13. I'm sorry. This is Exhibit 13,
15 Summary of Road & Bridge Department Wage
16 Adjustments. It appears to me in reading this
17 that there were approximately three years where
18 nobody received any wage increase. Is that
19 accurate?

20 A. That's accurate, yes.

21 Q. Those would be years -- fiscal year
22 2019, so that would be from July 1, 2019, to
23 June 30th of 2020?

24 A. That is correct.

25 Q. And fiscal year, 2020, which again is

1 July 1st of 2020 to June 30th of 2022, or 2021.

2 A. Yes. No raises were authorized by the
3 Board of County Commissioners.

4 Q. Same for fiscal year 2021?

5 A. 2021, I could tell you what happened
6 there. Rowdi and Chip were the only individuals
7 in the Road & Bridge Division that received pay
8 increases. Explain if you'd like.

9 Q. Yes, please.

10 A. So at that time, we might have been
11 still in the hiring freeze, but still, you know,
12 budgets were a little bit tight, you know,
13 coming out of COVID, whatnot, and the chairman
14 at the time, Jake Fulkerson, asked each
15 department, they said, give me one name, give me
16 an individual that's -- who is your rock star.
17 We were worried because we weren't given raises,
18 us as department heads, that we were going to
19 lose people. And, you know, because some of the
20 others in other disciplines in our competitors
21 were paying more, and so we were concerned about
22 that, myself and the Road & Bridge Board, so
23 Commissioner Fulkerson asked, who is your rock
24 star, who is the person that in Powell crew and
25 Cody crew that is -- he used the word "rock

1 star," that you don't want to lose -- absolutely
2 don't want to lose, you can't live without. And
3 Delray at that time said Rowdi, and I think he
4 tried to get Chris Carter too, but Rowdi, and
5 then Ron Nieters recommended Chip, so those were
6 the two -- only two that got raises in the Road
7 & Bridge Division.

8 Q. Last question. Are you familiar with --
9 last area -- with Delray Jones' work history
10 with Park County?

11 A. I am for the time that I have been here,
12 yes.

13 Q. Do you know if Delray Jones started off
14 as an Operator I?

15 A. My understanding is he did, yes.

16 Q. Do you know how long it took him to be
17 promoted to an Operator II?

18 A. If my memory is correct, it was seven or
19 eight years. He can tell you that for sure, but
20 it was quite a lengthy time.

21 MR. THOMPSON: Thank you. I have no
22 further questions.

23 MR. KELLER: I just have a real quick
24 rebuttal.

25 BY MR. KELLER:

1 Q. Going back to the question about
2 considering -- well, let me -- let me gather my
3 thoughts here.

4 So we were looking at the Park County
5 Personnel Policy Manual 2008, and when you
6 stated that you don't consider gender for
7 advancement?

8 A. Was that a question, sir?

9 Q. Am I paraphrasing right, or stating
10 correctly that when it comes to advancement, you
11 don't consider an employees gender?

12 A. Absolutely not.

13 Q. Okay. You take your recommendation from
14 your foreman, do you not?

15 A. In terms of hiring people, is that what
16 you're asking?

17 Q. And advancement?

18 A. Yes, I definitely strongly consider
19 their recommendation, yes.

20 Q. So if your foreman is -- discriminates,
21 how would you know that he -- I mean, you're
22 taking his recommendation, correct?

23 MR. THOMPSON: Objection to form.

24 MR. KELLER: That is a bad question.

25 BY MR. KELLER:

1 Q. So if your foreman has an issue with
2 advancing women, how do you know?

3 MR. THOMPSON: Objection to form.

4 THE WITNESS: I wouldn't know unless
5 that person brought it to my attention.

6 BY MR. KELLER:

7 Q. The person that made the complaint?

8 A. Yes.

9 Q. And, i.e., the employee that feels that
10 they have been discriminated against?

11 A. Yes, I will say the employee or if
12 another fellow employee, if they feel like there
13 is some unfair treatment or discriminatory
14 management as it relates to advancement or
15 hiring, I would expect that they would bring
16 that up to either myself or the county attorney,
17 but I didn't get any of that until February 14,
18 2020.

19 MR. KELLER: Yeah, I am going to leave
20 it there. Thanks. That is all I have.

21 MR. THOMPSON: We will go ahead and read
22 and sign.

23 (At 3:36 p.m. the matter was completed)

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WITNESS' SIGNATURE/CORRECTION PAGE

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4

If there are any typographical errors to your

5

Deposition, please indicate them below.

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PAGE/LINE

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12

Any other changes to your Deposition are to be
 listed below with a statement as to the reason
 for such change.

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14

PAGE/LINE

CORRECTION

REASON FOR CHANGE

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I, BRIAN EDWARDS, do hereby certify that I
 have read the foregoing pages of my testimony as
 transcribed, and that the same is a true and
 correct record of the testimony given by me in
 this Deposition on March 13, 2024, except for
 the changes made.

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Date Signed_____
BRIAN EDWARDS

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CERTIFICATE

I, Barbara Morgenweck, Registered Professional Reporter, and Certified Court Reporter, do hereby certify that prior to the commencement of the examination the Deponent was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Dated April 4, 2024.

Barbara Morgenweck

Barbara Morgenweck
COURT REPORTER
Registered Professional Reporter
Certified Court Reporter NM # 526
Notary Public

Exhibit 2:
Brian Edwards 30(b)(6) Deposition Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STARKIE CORNETT,
Plaintiff,
V.
PARK COUNTY BOARD OF COUNTY
COMMISSIONERS and PARK COUNTY
ROAD AND BRIDGE DIVISION OF
THE PUBLIC WORKS DEPARTMENT,
Defendants.

22-CV-00034

August 21, 2024

Oral deposition of BRIAN EDWARDS AND BOBBIE
HINZE conducted at the Park County Courthouse in
Cody, Wyoming, commencing at 9:00 a.m. on the
above date, before Barbara Morgenweck,
Registered Professional Reporter, Realtime
Reporter and Notary Public.

MORGENWECK COURT REPORTING

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EXAMINATION INDEX

PAGE:

BRIAN EDWARDS AND BOBBIE HINZE:

Examination by Mr. Nicholas

4

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1 BRIAN EDWARDS and BOBBIE HINZE,
2 Having first been duly sworn, testified as
3 follows:

4 EXAMINATION

5 BY MR. NICHOLAS:

6 Q. Thank you, and good morning. Brian, if
7 you would just introduce yourself and your name
8 again, please.

9 A. My name is Brian Edwards. I am the
10 county engineer, Park County.

11 Q. Brian, you know that we're here to
12 depose you on what is called a 30(b)(6)
13 deposition?

14 A. Yes, I am aware of that.

15 Q. And you understand that in this capacity
16 you are asking -- we're asking questions and you
17 are the representative of the County to make
18 answers.

19 A. I understand that.

20 Q. Bobbie Hinze is here this morning. She
21 has also been designated in areas that you can't
22 answer, you will tell us, if you would, please.

23 A. I will.

24 Q. You have already given the deposition in
25 this matter?

1 A. I have.

2 Q. It is not my intention to go over or try
3 to go back on that testimony. The testimony is
4 what it is. I don't want you to feel like
5 you're, at any given time -- I'm asking you to
6 challenge what you said before, and so you let
7 me know if you're uncomfortable. I think I have
8 testified to that, but I don't think we're going
9 to have that problem. But would you let me know
10 that, please?

11 A. I will.

12 Q. And I know that you have given a
13 deposition, but the general rule that I just
14 want witnesses to understand is that it's being
15 recorded, and you know that, and you have got
16 Helen over here. All right?

17 THE COURT REPORTER: Barbara.

18 MR. NICHOLAS: Barbara. Thank you. I
19 don't know where I got that. Thank you,
20 Barbara.

21 BY MR. NICHOLAS:

22 Q. We have Barbara here, and Barbara is the
23 king. She has a job to do, and she has to
24 report everything on this stenograph. She can
25 only get one person at a time. The -- I have a

1 hard time speaking over -- I start -- I will
2 make false starts, as you just saw one.
3 Sometimes I will cut you off inadvertently
4 because you're thinking, and so let's try for me
5 to complete my question and you complete your
6 answer and make it easy for her. And, of
7 course, you know, you're under oath?

8 A. Yes, I do.

9 Q. You know that what you say today is
10 binding on the County?

11 A. I understand that.

12 Q. Thank you. Let me give to you what I
13 have marked -- I am marking right now as Exhibit
14 Number 19.

15 (Exhibit 19 was marked for
16 identification.)

17 BY MR. NICHOLAS:

18 Q. Exhibit Number 19 is the copy of the
19 subpoena duces tecum. It's the second amended
20 notice. I will give you a copy, and I think I
21 have enough copies for you. There you go. I
22 have got copy -- I am going to give you one,
23 Bobbie, so you can have it to keep track. I got
24 one left. You have yours?

25 MR. KELLER: Yep, sure do.

1 MR. NICHOLAS: Do you need one?

2 MR. THOMPSON: I have got mine.

3 MR. NICHOLAS: I'll just put that out
4 there. Actually, what I might do, if everybody
5 is okay. I will use this one to write on.

6 BY MR. NICHOLAS:

7 Q. So I think, Brian, we have gotten some
8 documents from you, and I think I see that you
9 have got some of the things that I want to go
10 over. And I think what I am going to do is
11 start right into those documents and have you
12 explain them. Then I'll go back and ask
13 questions. Is that okay with you?

14 A. That's okay with me.

15 Q. Great. Thanks.

16 Let's begin with some exhibits.

17 MR. NICHOLAS: And so, Barbara, I told
18 you I was going to mark -- my first Exhibit was
19 19, and it's a subpoena duces tecum.

20 THE COURT REPORTER: Thank you.

21 BY MR. NICHOLAS:

22 Q. The next exhibit -- I am going to hand
23 you one exhibit that's already been marked. I
24 do want to talk to you a little bit about that
25 today. Exhibit 13 was already marked. I don't

1 know, is that one -- is that the exhibit you
2 have there, the 13?

3 A. It is.

4 Q. So you don't need another copy. Is
5 yours numbered?

6 A. It's the ones that MaryBeth sent, so,
7 yeah, they have got --

8 Q. Okay. Let me give you this one, because
9 it's actually marked.

10 MR. THOMPSON: Counsel, just for
11 clarification, I believe that what Brian has
12 with him today is an updated version of the
13 exhibit that was produced at the deposition that
14 is marked 13.

15 MR. NICHOLAS: Thank you.

16 MR. THOMPSON: They are different
17 documents.

18 MR. NICHOLAS: I appreciate, and thank
19 you for that, because the reason I gave you 13
20 is to make sure we're on the same page, and I
21 have the new updated one. Okay?

22 THE WITNESS: Got you.

23 BY MR. NICHOLAS:

24 Q. So you're correct. 13 is the updated --
25 as of July 3rd, '23, right?

1 A. So the two copies, the one that you just
2 handed me was July 3rd, 2023.

3 Q. And you have a more recent --

4 A. I have a more recent one that includes
5 the raises and wage adjustments that were put in
6 effect for fiscal year '25.

7 Q. Thank you. Let's -- while we're there,
8 then, is the other one the one dated
9 August 12th, 2024?

10 A. Yes.

11 MR. NICHOLAS: I am going to mark that
12 one Exhibit Number 20.

13 (Exhibit 20 was marked for
14 identification.)

15 MR. NICHOLAS: For the record, Exhibit
16 Number 20, Barbara, is August 12, 2024, Summary
17 of Road & Bridge Department Wage Adjustments,
18 and it has got a Bates number called PARKCO
19 2047.

20 And let me hand that to you, Brian, is
21 that the other document -- that is the document
22 that you brought today.

23 THE WITNESS: Yes.

24 MR. NICHOLAS: So that would be Exhibit
25 Number 20.

1 Bobbie, would you like to have a larger
2 one, or is that the same size? Are you able to
3 read that well?

4 MS. HINZE: Well, notice I am reading
5 from a distance. Thank you.

6 MR. NICHOLAS: I am at that stage. Did
7 you want one?

8 MR. THOMPSON: Sure.

9 MR. NICHOLAS: So I am going to
10 introduce a couple more exhibits and then I am
11 going to come back. I think sometimes it is
12 easier for you to go back and forth between
13 exhibits is my belief, and so... I am going to
14 hand you what I am marking as Exhibit No. 21.

15 (Exhibit 21 was marked for
16 identification.)

17 BY MR. NICHOLAS:

18 Q. Exhibit No. 21, I don't think you
19 produced it, but it came off your website. Take
20 a look at that. I think that's just a print
21 off, and I think it's essentially the same,
22 generally the same thing we're going to see in
23 Exhibit Number 20, which is the implementation
24 of that. Take a look at that and see if you
25 recognize it.

1 A. I don't recognize it, but not to say --
2 oh, I'm sorry -- is it just the latest? This is
3 current wages?

4 Q. It is. If we just printed off -- I
5 think following the beginning of the fiscal
6 year, but we'll -- you generally understand the
7 format --

8 A. I do.

9 Q. -- and how it's produced?

10 A. I do.

11 MR. NICHOLAS: So that's No. 21. I did
12 want to introduce Exhibit No. 22 is -- I want to
13 go to another one first. Exhibit No. 22 is
14 marked PARKCO 2036.

15 (Exhibit 22 was marked for
16 identification.)

17 MR. NICHOLAS: It is an Annual Wage
18 Information for Budgets '24, '25.

19 BY MR. NICHOLAS:

20 Q. Is that a document you will recognize?

21 A. Yes, it is. I have a copy if needed.

22 Q. What I might do is swap you, then, if
23 you have a copy. I think I will find one here
24 but --

25 MR. THOMPSON: What is the Bates

1 number on that?

2 MR. NICHOLAS: That one starts at 2036
3 and goes to 2043. I'll swap you.

4 That's if you don't mind, I'll --
5 That's exhibit 23?

6 MR. EDWARDS: 22.

7 MR. NICHOLAS: 22. Thank you very much.
8 Then the next one that I am marking is Exhibit
9 No. 23.

10 (Exhibit 23 was marked for
11 identification.)

12 MR. NICHOLAS: That is an Annual Wage
13 Information for Budgets '24 through '25,
14 beginning at PARKCO 2045, and I am going to let
15 you know I made highlights that were not to the
16 original to make it easier for us.

17 Tom, I will give you one of these
18 because it does have the highlights in it.

19 MR. THOMPSON: Thank you.

20 MR. NICHOLAS: Bobbie, I will give you
21 the same thing here.

22 MS. HINZE: Thank you.

23 MR. NICHOLAS: All right. And then I
24 wanted to ask you about PARKCO 2056, which I am
25 marking as Exhibit No. 24. Hand you that.

1 MR. THOMPSON: Is there a title to that
2 document?

3 MR. NICHOLAS: Yes, there is. It's
4 called -- it's a Budget Code 3100, County Road &
5 Bridge, PARKCO 2056.

6 BY MR. NICHOLAS:

7 Q. Mr. Edwards, what is the budget fiscal
8 year? When does it begin and when does it end?

9 A. Our fiscal years start July 1st and end
10 June 30th.

11 Q. You, the County would do their
12 accounting based upon governmental accounting
13 standards; would that be true, as best you know?

14 A. As best I know. I am probably not the
15 best person to answer that, but as best I know,
16 yes.

17 Q. The State of Wyoming, the counties,
18 cities, generally go by the same fiscal year; is
19 that right?

20 MR. THOMPSON: Objection to form.

21 BY MR. NICHOLAS:

22 Q. If you know?

23 A. I believe so, yes.

24 Q. Now with respect to county budgets, when
25 do you begin preparing your budget to provide to

1 the county commissioners?

2 A. It varies, but it seems like March,
3 April is when we start talking about budgets and
4 thinking about it and so, yes, spring,
5 springtime.

6 Q. Then you generally have budget meetings
7 with the county commissioners?

8 A. We do.

9 Q. Is there a budget supervisor or somebody
10 on behalf of the county commissioners that
11 coordinates everything, or do the county
12 commissioners do it themselves?

13 A. The county commissioners organize, run
14 the meetings, but our -- someone from the
15 clerk's office, Steve Pomajzl, he is usually the
16 person that is in every one of the budget
17 meetings with the various departments. And the
18 clerk is in there usually, too.

19 Q. Who does the actual fiscal accounting to
20 keep the track of the accounting itself; is that
21 Steve?

22 A. For the county, that would be Steve, and
23 then each department does some of their own
24 level of budget tracking to make sure of things
25 are where they are supposed to be.

1 Q. Who teaches you, then, how to keep track
2 of your budget so they can be integrated into
3 the county budget?

4 A. I don't believe anybody taught me that.
5 It's pretty straightforward. We have developed
6 a budget over a number of years, our budget for
7 our department, and, yeah, I work with the
8 commissioners and Steve to set budget
9 categories, and then what those budget items
10 need to be based on need. You know, that is
11 mainly how that is set.

12 (Exhibit 24 was marked for
13 identification.)

14 BY MR. NICHOLAS:

15 Q. So, for example, your budget category
16 for Road & Bridge is 3100? I need to get yeses
17 and nos from you just because our reporter can't
18 get the head nods very well.

19 A. Understood. But you didn't ask a
20 question.

21 Q. Oh, I didn't. Okay. Is 3100 your
22 budget code for your division?

23 A. It is the budget code for the Road &
24 Bridge Division.

25 Q. You're responsible for more than that?

1 A. Correct.

2 Q. So for today, we don't need to go to the
3 other ones, but 3100 is assigned to Road &
4 Bridge?

5 A. Correct.

6 Q. And then, within 3100, do you have sub
7 codes for Wages, Benefits, and Capital
8 Improvements, all of those sub codes?

9 A. We do, yes.

10 Q. I do see the -- well, are those the sub
11 codes that we see here? Which sheet that I gave
12 you would best tell us -- explain the sub codes?

13 A. The best is if you look at Exhibit 24.

14 Q. Okay. I have got it almost in front of
15 me. I have got it there. Thank you. So here,
16 what we have is 3100 Road & Bridge, and your
17 Salary and Wages are in the 0103100 4112; is
18 that right?

19 A. That is correct.

20 Q. So you are accounting generally in
21 Salaries and Wages at the top benefits and then
22 your -- then below that -- and those -- so let
23 me just stop there for a moment. When I see
24 this budget, I see your total salaries. What I
25 don't see is number of positions authorized.

1 How do you know how many positions you are
2 authorized?

3 A. That is a good question. That is
4 usually not something that comes up at budget
5 time. That -- essentially, we have generally
6 the same number of employees the time that I
7 have been here such that if something -- a
8 person leaves, we may try to go without that
9 person for awhile, but generally we have had
10 about the same number of people since I have
11 been here. So no one has ever told me, You need
12 to have this set number of people --

13 Q. Okay.

14 A. -- so I don't know if I have a good
15 answer to that question.

16 Q. Okay. The -- what we know is that when
17 you build your budget, you build it on a
18 premises where you would have estimate number of
19 your full-time employees, an estimate of your
20 part-time employees; you would have FTEs and
21 PTEs, right?

22 A. Yes, that's correct.

23 Q. And as a general rule, you provide -- is
24 this the budget, the form that you provided to
25 the commissioners?

1 A. It's something like this, yes.

2 Q. In the budget that you provide the
3 commissioners, do you have a more detail
4 including the FTEs and PTEs and show how you
5 build the budget?

6 A. I can explain a little bit if I could.
7 There is a version how this usually works with
8 the wage related items of the budget is the
9 clerk's office, usually Bobbie or Steve, they
10 will provide us what our current employees list,
11 so they provide, here is our wages, and then if
12 there's wage adjustments, that's done on
13 basically a breakout that's got every person's
14 listed and their wages. That's what we look at
15 to verify, for example, mainly relates to, like,
16 temporary, seasonal type employees. Do we have
17 enough hours in there? Do we have enough summer
18 seasonal help? So we're looking at that kind of
19 thing. The things like benefits, that all comes
20 from Bobbie. She tracks all of that. And, but,
21 yeah, I try to basically take a look at that and
22 make sure that everything is consistent there.

23 Q. Now, for your full-time equivalence for
24 the position of heavy equipment operators, how
25 many positions do you generally historically

1 have you had authorized?

2 A. I would have to think about that. I
3 don't have an exact number off the top of my
4 head. I can look at my exhibit.

5 Q. Sure, go ahead and do that.

6 MR. THOMPSON: I don't want you
7 guessing.

8 MR. NICHOLAS: If you don't have it
9 memorized, that's fine. Thank you, Tom. This
10 isn't a guessing game. So it's -- which sheet
11 are you looking at?

12 THE WITNESS: I am looking at the
13 Exhibit 13, and I'm -- it looks like anywhere
14 from 20 to 23 people at a time.

15 BY MR. NICHOLAS:

16 Q. In the category of heavy equipment
17 operator, when you're authorized a position, I
18 assume that what the county commissioner does is
19 authorize you the position of heavy equipment
20 operator, that the grades in pay come later; is
21 that true?

22 A. I am not sure I understand the question.

23 Q. As I read the -- your manual, Park
24 County Employee Manual, what I understand and
25 based upon a little experience I've had with

1 your budgeting, you would ask for -- you would
2 go to the county commissioners and say, Look, I
3 need to have 23 equipment operators to get the
4 work done for the county, and as I hire them, I
5 may hire them as a Grade I, a Grade II, a Grade
6 III, but when once you're authorized a position,
7 you have freedom whether to assign them as a
8 Grade I, II or III; true or false?

9 MR. THOMPSON: Objection to form.

10 THE WITNESS: That's -- I am going to
11 say, partially false. I can explain.

12 BY MR. NICHOLAS:

13 Q. Why don't you tell me the way you think
14 it works?

15 A. Well, the way it's been explained to me,
16 and I believe, this is outlined in the policy
17 manual, is that, say, we have an open position
18 because I, basically, when I hired on pushing
19 ten years ago now, the -- I inherited a staff,
20 you know, a crew, various equipment operators.
21 Then over that time through attrition,
22 retirement, firing or somebody leaving, a
23 position might open up, and we are allowed
24 within the department to replace that person,
25 that position, at the same wage or less. So if

1 it's an Operator III, at a higher wage, we can
2 hire an Operator III at the same wage or less,
3 or an Operator I that we want to maybe grow
4 through the ranks and move up. But, yeah, but
5 if there is a, for example, say we lost an
6 Operator II, and we need to bring somebody in
7 and need to pay more, somebody with more
8 experience, then we would have to go to the
9 commissioners to get their approval to hire
10 somebody above what is a budgeted wage.

11 Q. Let me -- I think what you have
12 explained to me is that every biennium you're
13 budgeting on the biannual basis or are you doing
14 this on an annual fiscal year?

15 A. It's on a fiscal year.

16 Q. So every fiscal year, you provide a
17 budget, and in that budget you might say, I
18 want -- I have five Operator IIIs, I have five
19 Operator IIs; I have five Operator Is, and once
20 that is approved, you're authorized to have 5, 5
21 and 5?

22 A. That's correct.

23 Q. And you are also appropriated the money
24 for the 5, 5 and 5?

25 A. That's correct.

1 Q. If during the fiscal year, an Operator I
2 leaves, you can replace it without asking
3 permission?

4 A. If I hire an Operator I at the same or
5 lower wage.

6 Q. If an Operator II leaves, you have
7 choices. You can hire another operator, but you
8 could take an Operator I and move them up to the
9 Operator II authorized budget level, or you
10 could hire an Operator II, but your -- I think
11 -- is that true?

12 A. That is true.

13 Q. So what I think you're telling me, and I
14 think, you know, as I understand budget and
15 principles, is that you have two constraints.
16 One constraint is you have -- I know my
17 scenario, you have 15 operators that you can
18 hire. The second constraint is the amount you
19 can pay the entire group is what you're approved
20 budget was.

21 A. That is true. That is correct.

22 Q. You can move people around
23 hypothetically as long as you stay within your
24 approved total budget?

25 A. Generally, that's correct. I still --

1 if there is some sort of a change, say somebody
2 is being bumped up or promoted or something like
3 that, and we're still within our budget, I
4 still, even if it is not formal, I will usually
5 bounce it off the commissioners just so they
6 know what we're doing.

7 Q. Let's talk about that, and I
8 understand -- I think I understand what you're
9 saying. The commissioners are the elected
10 officials responsible for the final budget?

11 A. That's correct.

12 Q. For what you do, and it's easy enough
13 because they're accessible, you can keep them
14 informed of how your staff is moving, how you're
15 making adjustments within the authorizations
16 that they have given you?

17 A. That is true.

18 Q. So I think -- are we using the correct
19 term? And that is you have positions that are
20 authorized, that is correct? Authorization is
21 the correct term of word?

22 A. That's correct.

23 Q. You have a total budget that you
24 authorized?

25 A. Correct.

1 Q. And generally speaking, you can make
2 movements without -- you have the authority to
3 make movements within your authorized total
4 expenditure without talking to the commissioners
5 as long as you don't exceed your total
6 authorized positions and you keep your number of
7 authorized personnel?

8 MR. THOMPSON: Objection to form.

9 MR. NICHOLAS: Is that too complicated?

10 THE WITNESS: No, I think I understand
11 it. That is generally correct. I will say
12 that, for example, especially seasonal part-time
13 employees, because that could change based on
14 what we have going as long as we're within a
15 budget. For example, if I have the room, I
16 might add a position based on our need or
17 seasonal need or something like that, but so I
18 would say the most critical thing is staying
19 within the budget.

20 BY MR. NICHOLAS:

21 Q. I appreciate that, and I understand that
22 the part-time employees, seasonal employees, are
23 always going to be a little bit different, so as
24 we talk today, let's assume we're talking FTEs
25 unless we call it out. Is that an easy way to

1 go about this?

2 A. That works for me.

3 Q. Thanks. I am going to get to your
4 actual papers in a moment, but generally
5 speaking, when you advertise for a heavy
6 equipment operator, I see that sometimes you
7 actually advertise for an Operator I. So all
8 the funding we have, that's the position. If
9 you don't like that position, don't apply.

10 Is that true?

11 A. That is true.

12 Q. It looks to me like in most instances,
13 though, you advertise for a heavy equipment
14 operator, and you say that, When you come, we
15 will evaluate whether you're I, II or III, but
16 we're looking for the best candidates?

17 A. That's generally true. I can add to
18 that.

19 Q. Yes, go ahead?

20 A. What we -- a lot of times, what is the
21 case is equipment operators are just
22 specialized, hard to come by, and sometimes
23 we've got equipment operators knocking on our
24 door that want jobs, that are plentiful, and
25 when -- if we're looking for a I, II or a III

1 specifically, like say, we're looking for a II,
2 if they're plentiful, we would advertise for a
3 II, but we have had cases where we have had a
4 bunch of resumes in response, and we have had
5 none.

6 So based on that, what I started to do
7 and what I try to do most often is just
8 advertise a I, II and III, cast a big net, and
9 then you're right, evaluate what we've got and
10 see whether or not they can fit into whatever
11 position we're trying to fill.

12 Q. What that tells me, and I'll ask you if
13 that is correct, what that tells me is that you
14 have the authorization to fill a vacancy, which
15 is an equipment operator, and you have the
16 funding available that's already been authorized
17 to pay an Operator I, II, or III. So you have
18 funding authority and you have a position
19 authority, and then you're going to wait and see
20 what your candidate pool looks like to decide
21 which to do?

22 MR. THOMPSON: Objection to form.

23 THE WITNESS: That's generally true. A
24 lot of times, what we're doing is based on input
25 from the Road & Bridge foreman where we're at as

1 accrue. You know, if we've had quite a bit of
2 turnover, if retirees or whatnot, we may be
3 looking for a more skilled person, experienced
4 person. If we're -- if we've got a good balance
5 of experienced journeymen to start, we would
6 like to hire at the bottom end and grow them
7 through the ranks. But that's not always
8 possible with the type of work we've got.

9 BY MR. NICHOLAS:

10 Q. Why do you generally like to start them
11 as Is and grow them through the ranks?

12 A. I think that's how it was done when I
13 got to the county. I think it just helps bring
14 the team together. They learn and grow. You
15 can train them, or at least our Road & Bridge
16 foreman can train them to the way we do things
17 and basically mold them into the kind of
18 operators that are most skilled and efficient to
19 do the type of work we do there. So there's
20 advantages and disadvantages. We have hired
21 everything from somebody that has zero
22 experience to, you know, very, very seasoned
23 experienced operators.

24 Q. Is it your expectations or the county's
25 expectation that you're going to need to hire

1 people and train them?

2 MR. THOMPSON: Objection to form.

3 THE WITNESS: Yes, that's true. The
4 level of training does vary.

5 BY MR. NICHOLAS:

6 Q. And you expect that's going to be the
7 case, correct?

8 MR. THOMPSON: Same objection.

9 THE WITNESS: Correct.

10 BY MR. NICHOLAS:

11 Q. No two employees are going to be
12 identical; is that true?

13 A. That is absolutely true.

14 Q. And each employee is going to come to --
15 as a heavy equipment operator with more skills,
16 less skills than the other; that true?

17 A. That is true.

18 Q. And it's someone's responsibility to
19 evaluate those skills and then begin to train
20 them, and build their skills to match your
21 needs; is that true?

22 A. That is true.

23 Q. Whose general responsibility in your
24 crew in the Road & Bridge crew is it to make the
25 assessment of what the skills are necessary for

1 each employee and then develop those skills into
2 what the Road & Bridge Commission or Division
3 needs?

4 A. It is a bit of a team effort, so when we
5 hire somebody new, on the evaluation process,
6 that would be myself and usually both of the two
7 Road & Bridge foremen are involved in the
8 interview process. Checking references, you
9 know, talking to people that have worked with
10 them, so that's really a group of us that do
11 that. And then as far as evaluating their
12 skills after we have hired them, that is
13 generally the two Road & Bridge foremen or the
14 assistant foreman.

15 Q. Now the two foremen, when you talk, you
16 say you used the foremen to help you. Do they
17 both interview both Cody and Powell, or do
18 you -- does the Powell foreman work with you on
19 the Powell employees and you work separately and
20 independently with the Cody foreman for his
21 area?

22 A. Most of the time, both foremen are in
23 there, just gives us more eyes to look at things
24 and different experiences. The two crews work a
25 lot together, so there has been times when maybe

1 a foreman couldn't make it, and maybe their
2 assistant foreman sits in. But generally, it's
3 both Road & Bridge foremen in the interview with
4 myself.

5 Q. Who do you -- who does the county
6 designate to be the instructors, the teachers,
7 if you will, to teach new hires skills they
8 don't know and even the skills that they do know
9 to do it your way?

10 A. Generally, that's either the Road &
11 Bridge foreman, the assistant foreman, or
12 sometimes Operator IIIs that might be lead
13 operators that are running projects, leading a
14 maintenance effort, or something like that.
15 They are generally the ones that people go to
16 for answers of questions, kind of watching over
17 everything.

18 Q. Is there any cap on the number of
19 Operator IIIs that you could develop or
20 ultimately hire other than your salary cap?

21 A. There is no cap other than salary cap.

22 Q. Same question with Operator IIs. Is
23 there any cap on the number of IIs you could
24 have other than your authorized expenditure cap?

25 A. No limit on the number of IIs other than

1 the salary cap.

2 Q. I assume the same answer for Is?

3 A. Correct.

4 Q. In fact, I see you're in a situation now
5 where you only have IIs and IIIs, as you sit
6 here today?

7 A. Yes, that's correct.

8 Q. If you had all of your crew as IIIs, as
9 the head of the division, would that be a good
10 thing?

11 A. I think that would -- generally, I think
12 that would be a good thing because that usually
13 would mean we have retained employees, most
14 likely, and kept them for awhile, and they have
15 grown through the ranks. We haven't had as much
16 attrition, so yeah, I think that would be a good
17 thing.

18 Q. Would it be fair to say that what your
19 crews do in the Road & Bridge is part of the
20 essential safety functions for the residents in
21 Park County?

22 MR. THOMPSON: Object as to form.
23 Counsel, we're sort of getting off the subject
24 areas that you've designated for examination.

25 MR. NICHOLAS: Well, I hear your

1 objection. I disagree with you, and I would
2 like an answer.

3 MR. THOMPSON: I am going to direct the
4 witness not to answer if it has not been
5 designated as an area that he is testifying on
6 behalf of the county for.

7 MR. NICHOLAS: Well, I think the -- when
8 it comes to freezes, does the county assess and
9 make a distinction between essential jobs and
10 non-essential jobs, in your experience?

11 MR. THOMPSON: You speaking of wage
12 freezes?

13 MR. NICHOLAS: Wage freezes, salaries,
14 filling vacancies.

15 THE WITNESS: It's generally across the
16 board. Full-time employees and seasonal and
17 part-time too, if there is a freeze, it is
18 usually across the board.

19 BY MR. NICHOLAS:

20 Q. Was it across the board for all the
21 county or just across the board in your
22 division?

23 A. Generally, across the county, and I
24 can't speak for law enforcement. Because I know
25 sometimes they are a bit different, when you

1 start talking to essential and non-essential,
2 but my understanding is when we've had freezes
3 since I've been here, that it applies to all
4 departments.

5 Q. Well, let's talk about freezes for a
6 moment. In my experience, I want to make sure
7 we're talking about it. I think there are --
8 the word "freezes" has different meanings,
9 different times. One meaning would be that
10 you're frozen at your authorized position level
11 and your salary level. You're free to make
12 decisions, but you can't -- don't come ask us
13 for a new position and don't ask us for any more
14 money. Would you agree with that is one
15 definition of freeze?

16 A. That is a definition of a freeze, yes.

17 Q. Another definition of a freeze is that
18 if you have a vacancy, we do not want you to
19 fill that vacancy unless you come ask us for
20 approval. That might be another form of freeze?

21 A. That's another form, yes.

22 Q. Another form of freeze is that freezes
23 can come in all kinds and forms of directives;
24 is that true?

25 A. That's true.

1 Q. In your experience, let's just...this is
2 harder to talk about, but when -- so when I hear
3 the word "freeze," I don't know which we're
4 talking about. So when we're moving forward in
5 the last five years, have you ever had a freeze
6 where you have been told that you cannot fill an
7 authorized vacancy?

8 A. I have to think about my years here. I
9 think 2021, somewhere in there -- in my time
10 with the county, there has been at least one,
11 and I am thinking maybe two times, and the type
12 of freeze that -- the only type I have seen is
13 that you don't hire anybody, even if you lose
14 somebody, unless you come to the commissioners.

15 They want to see you try to go for
16 awhile without that person, or justify that you
17 need that -- to fill that position. So that's
18 generally how it has been since I have been with
19 the county.

20 Q. I have been through the minutes, and we
21 can go through them, but it looks to me like
22 each and every time a department head kind of
23 came to the commission and said, I need that
24 position, they were given that position. That's
25 what I look -- I am going to ask you now. Each

1 and every time -- every time that you have had a
2 vacancy or a freeze, have you asked to have the
3 vacancy filled for safety reasons or whatever
4 reasons?

5 A. I don't recall going and asking them for
6 a -- to fill a vacancy for safety purposes. I
7 do know that we, for example, when we lost our
8 Meeteetse Road & Bridge foreman, we tried to run
9 for awhile without that person and tried to run
10 it out of Cody with the staff that we have and
11 found that we weren't able to do that very
12 efficiently. Same thing with the Powell crew.
13 They lost somebody, they tried to go for awhile
14 without that person and eventually ended up
15 filling that position. Lean times, we will try
16 to do more with less obviously. I don't recall
17 specifically going to the commissioners and
18 saying we need to fill this position for safety
19 purposes.

20 Q. In your tenure with -- as the head of
21 the Road & Bridge, has your crew generally
22 stayed the same size in the Road & Bridge area?

23 A. Generally the same size, in the Road &
24 Bridge area.

25 Q. In those instances where you did not

1 fill a vacancy, did you generally fill the
2 vacancy within six -- six months to a year?

3 A. Generally, that's the case, yes.

4 Q. Then I would think that if there can be
5 obviously a hiring freeze, but there could also
6 be a salary freeze, which would be different; is
7 that true?

8 A. I have to maybe just say yes or no on
9 that. It is a little difficult. The
10 commissioners can, if the budgets are tight,
11 they can say, No raises. No company raises, no
12 raises, no bonuses. They will say that at the
13 time of the new budget directed to all the
14 departments, and we explain to our employees and
15 say, sorry, no raises this year. But I don't
16 know if you call that a freeze. It just has to
17 do with dollars in versus dollars out. Is there
18 enough money in the budget to allow for raises?

19 Q. Generally speaking, in your Road &
20 Bridge, what percentage are the wages and
21 salaries to your total budget?

22 A. I got to look at my chart or an exhibit.

23 MR. NICHOLAS: Sure. Why don't you tell
24 us what exhibit you're looking at?

25 THE WITNESS: Looking at Exhibit 24.

1 For example, in fiscal year '25, our salary
2 related items, which include the benefits that
3 go along with them, about 1.9, if I am reading
4 that right.

5 And then as a percentage of our total
6 budget, which is, I think, 5.4, I believe that
7 is at the bottom. So what's that, maybe a third
8 roughly of the dollars. That's going to vary
9 based on what we have in a year in the way of
10 equipment needs, materials, that kind of thing,
11 which we have the second largest budget in the
12 county, and ours is kind of flexible, not
13 flexible, but varies from year to year.

14 BY MR. NICHOLAS:

15 Q. So when you break out the budget, as
16 you're looking at Exhibit 24, would it be fair
17 to say that the first row, which is the Wages,
18 Benefits, et cetera, that those are what you
19 would call your fixed costs?

20 MR. THOMPSON: Objection to form.

21 THE WITNESS: I would say, you said the
22 first row, I would say that first group of
23 boxes, which is 1, 2, 3, 4, 5, 6, 7, 8, the top
24 eight items that are all salary related items.
25 Are what you consider --

1 BY MR. NICHOLAS:

2 Q. Well, let me -- your counsel made a form
3 objection, so I want to correct it. Do you
4 understand what a fixed cost is?

5 A. I do.

6 Q. You understand what a variable cost is?

7 A. I do.

8 Q. And when you assign fixed and variable
9 costs, you are using what is normally used as
10 governmental accounting principles; is that
11 true?

12 MR. THOMPSON: Objection to form.

13 THE WITNESS: That is true.

14 BY MR. NICHOLAS:

15 Q. I should say, is that your
16 understanding, to get around the counsel's
17 objection. Is that your understanding? Is it
18 you're following generally accepted governmental
19 accounting principles?

20 MR. THOMPSON: Objection to form. Asked
21 and answered.

22 THE WITNESS: As far as I know,
23 following general accounting practices.

24 BY MR. NICHOLAS:

25 Q. Thank you. So your fixed cost would

1 be -- and I think what we're talking about is,
2 when I said "row," I was looking at these lines
3 here, but this top item, which -- this entire
4 box, those would be your fixed costs, correct?

5 MR. THOMPSON: Counsel, for the record,
6 I am not sure if that would accurately reflect
7 what you're referring to.

8 MR. NICHOLAS: Well, let me.

9 BY MR. NICHOLAS:

10 Q. In the budget codes, the 4100 numbers
11 beginning 41, it starts 4112 through 4196, those
12 account -- those are account numbers, correct?

13 A. Those are budget categories, and when we
14 say account, we have a general fund, or it might
15 come out of our county road funds, so those are
16 accounts, but these are --

17 Q. These are categories?

18 A. Budget categories is the best way I can
19 describe it.

20 Q. So the budget categories for the top
21 item are all fixed costs, correct?

22 A. Yes. The more I think about it, I would
23 say all of these are fixed costs because this is
24 our budget, these are the items that we have
25 been approved to.

1 Q. Well, let's just distinguish from the
2 county between authorized expenditures and what
3 is your understanding of an authorized
4 expenditure?

5 A. Essentially, when the county authorizes
6 and approved a budget, which goes through a
7 public process, then we are authorized, and me
8 as a department manager, I am authorized to
9 administer and work within this budget. Now
10 when I get expenses in the way of, you know, a
11 voucher for a piece of equipment, some
12 materials, whatever that may be, we do that
13 twice a month. We do vouchers, I review and
14 approve all those. Those go to the
15 commissioners, they approve those also. So
16 basically everything we expend is approved by
17 the commissioners starting with the budget and
18 then the expenditures each month. I don't know
19 if that answers your question.

20 Q. It does. So what I want to do is make
21 sure that we're distinguishing between -- once
22 the budget is approved, it is fixed in time for
23 you, true? I don't know if that's the word
24 you're wanting. Let me back up and restart
25 that.

1 I want to make sure we're talking about
2 the right term, so an approved budget is the
3 confines of your authorization to expend,
4 correct?

5 A. That is correct.

6 Q. Within an approved budget from the
7 county's point of view and from accounting point
8 of view, there is -- when you look at from year
9 to year, you have fixed costs, and your fixed
10 costs are generally your employees; that's true?

11 A. I see what you're asking now. With the
12 employees, those items are generally -- I am
13 trying to think of something that wouldn't --
14 retirement -- those are generally fixed and will
15 not change through the year. I think that's
16 what you're trying to ask or asking me.

17 Q. Maintenance things you have more --
18 they're variable and you can choose not to
19 expend. You could save money?

20 A. But we still have to hit that overall
21 total budget, so we need to be within that
22 budget total, but yeah, if the chips end up
23 costing a dollar a ton less or more, we do that,
24 we may have to cut something else to stay within
25 that, but that's usually my level. We're able

1 to do that as long as we stay, so I think I
2 understand your question.

3 Q. Do you have flex authority between -- so
4 the big boxes are -- I assume you have flex
5 authority within those boxes, as you decide,
6 chips came in cheaper, but fuel is more
7 expensive. Those things, I assume you have flex
8 authority within your variable budgets?

9 A. I do. We also deal within the salary
10 too, as long as we stay under that total salary
11 item. It goes back to the discussion we had
12 earlier. Really, all of these, as long as we
13 stay within that total budget, total budget for
14 salaries, or total budget for our overall
15 budget, we're -- we can work within that.

16 Q. Let's explore that a little bit. I just
17 want to make sure. If you, for example, you
18 have something here, road materials, mailboxes,
19 and suppose you save that money, could you move
20 that into salaries?

21 A. I could not.

22 Q. I am assuming that your flex authority
23 is in what I call the variables from below
24 salaries down, you can flex within those
25 categories, but you can't flex from here to

1 salaries?

2 A. That is correct.

3 Q. You can't flex from salaries to here?

4 A. We cannot.

5 Q. Because those are fixed, you leave those
6 alone. Within these categories, you have flex
7 authority, you probably -- or do you need
8 approval to move from road materials to safety
9 equipment?

10 A. I don't need approval to move from road
11 materials to safety equipment. The thing that I
12 am struggling with your line of questioning is
13 this, we operate the same in these categories as
14 we do here. You are correct that we don't move
15 salary dollars or save salary dollars and use
16 them in something here, or use road material
17 dollars to cover salaries, but within the
18 salaries, all you got to do is look at each
19 year. The budget amount, the actual amount is
20 going to vary every year. So within that, which
21 goes back to as long as we don't blow that total
22 salary number, salary and benefit number, we can
23 work within that as long as we're hiring people
24 in at the same wage or less that they were
25 making when they left.

1 Q. I think I understand, and I would --
2 I'll just make sure. I think what your
3 constraints are, is that you have to stay --
4 total payroll has to stay within your total
5 authorization?

6 A. That is correct.

7 Q. But you can't add an FTE without
8 approval of the...

9 A. That is correct.

10 Q. So as long as you stay at the same or
11 fewer FTEs, you just have to come in on your
12 budget number?

13 A. That is correct.

14 Q. So the -- I am going to have to take a
15 break -- a coffee break. I apologize. But
16 let's -- I think now I understand Exhibit
17 No. 24. The -- I want to talk about -- I tell
18 you what the next category I want to go is in
19 the wage categories, how you do that. Let's
20 take a -- can we take a short ten-minute break?

21 (A recess was taken from 9:50 a.m. until
22 10:03 a.m.)

23 MR. NICHOLAS: The next exhibit is?

24 (Exhibit 25 was marked for
25 identification.)

1 (Discussion off the record.)

2 BY MR. NICHOLAS:

3 Q. I am going to hand you Exhibit No. 25,
4 Park County Bates 2283 through 2308?

5 MR. THOMPSON: Sorry, Counsel, what were
6 those numbers again?

7 MR. EDWARDS: 2283 to 2308.

8 THE COURT REPORTER: (Requesting
9 clarification.)

10 BY MR. NICHOLAS:

11 Q. I think we have already talked about
12 these. We don't really need to go over, but
13 just to make sure I am understanding, when you
14 look at the first page, behind that, you have
15 heavy equipment Operator I, position available.
16 I am assuming that's one where you have an
17 authorized position, but you have only limited
18 funding?

19 A. I can't recall specifically, but I
20 would -- you are probably correct with that.

21 Q. If you jump over to the next one, there
22 you have got heavy equipment operator positions
23 available. Here you have two operator positions
24 open, and you have the funding that you could
25 pay the applicant. You could hire them as an

1 Operator I, II, or III, because you have the
2 available funding, and you would determine which
3 position to give him depending on his -- whether
4 you liked the employee or his qualifications?

5 MR. THOMPSON: Objection to form,
6 foundation.

7 BY MR. NICHOLAS:

8 Q. I think it is a poorly asked question.
9 Let me ask it again.

10 In this one, you have two authorized
11 positions you can fill, correct?

12 A. That is correct.

13 Q. For each of the two positions, it
14 appears that you have enough funding available
15 that's authorized that you could hire that
16 person as a Grade I, II, or III?

17 A. Not entirely. I am trying to -- have a
18 hard time just making an answer there, but it
19 depends on how we have some overlap, like a high
20 grade of an Operator II wage in the steps might
21 overlap with an Operator III, so we do have the
22 flexibility to hire a I, II, or III. It is just
23 we may be limited based on where that person is,
24 you know, in the wage that maybe we can only do
25 a II because of where they fit in. I don't know

1 if I explained that well.

2 Q. I think you have. We're going to go to
3 another exhibit to help explain that better, but
4 by and large, it looks to me like, for at least
5 one of the positions, you have funding to go
6 from anywhere from \$15.60 an hour up to 27.96 an
7 hour. You published that because you thought
8 that you had that available funding, for at
9 least one of the positions?

10 A. That's generally correct.

11 Q. It may be you had a funding for two
12 positions to go to 27.96. Maybe you didn't.
13 Can't know from this document, correct?

14 A. That's correct.

15 Q. I think I understand these now. But
16 these are true and correct copies of
17 notifications that went out to the public
18 soliciting for employment, correct?

19 A. That is correct.

20 Q. When we go to Park County 2293, that's
21 the Bates number on the right on the bottom?

22 A. Okay.

23 Q. I just want to make sure that I
24 understand. When I look at this, this again
25 looks like a publication that you're looking for

1 new employees, correct?

2 A. Correct.

3 Q. It is dated underneath the County of
4 Park at the top, it is dated January 5, 2023.
5 Can we assume that the publication went out
6 shortly after that date?

7 A. I think my date says mine says
8 February 8, 2022.

9 Q. What Bates number are you on?

10 A. Maybe I am on the wrong -- 2293.

11 Q. I will flip over with you. Now I am
12 with you. So on the 2293, the date says
13 February 8, 2022?

14 A. Yes.

15 Q. Can we assume that the publication went
16 shortly after that?

17 A. Yes, you can.

18 Q. We can assume is that you authorized on
19 February 8, 2022, to go out to publication for
20 these positions?

21 A. That's correct.

22 Q. Thank you. I think that's all the
23 questions I need to ask you on that.

24 Let me hand you what I am marking now as
25 Exhibit No. 26.

1 (Exhibit 26 was marked for
2 identification.)

3 MR. NICHOLAS: The title of the document
4 is "Park County Pay Plan" -- Exhibit No. 26,
5 "Park County Pay Plan" beginning Park No. 2010
6 going to 2035.

7 Are you familiar with that document?

8 THE WITNESS: Yes, I am.

9 MR. NICHOLAS: If you don't have that
10 one --

11 MR. THOMPSON: Thank you.

12 BY MR. NICHOLAS:

13 Q. Can you explain to me generally what
14 this document is?

15 A. I will try. This is a summary of all
16 the positions within Park County government
17 which includes all the departments, and it also
18 has -- so it has the position, shows the
19 department, and then the grade, and the pay
20 range is based on what's established as we call
21 it a pay plan, but it is a grade step scale.
22 For each grade, there is a number of steps. So
23 this shows for a specific position what is the
24 assigned grade, so that you can apply that to a
25 wage plan steps within that grade.

1 Q. Well, I see that this one was revised in
2 July of July 16th of 2024. Maybe I said that
3 wrong. It was revised in July 16, 2023, but
4 adopted in July 16th of 2024, is what it says.

5 Do you see that?

6 A. I see that.

7 Q. Have you participated in the review of
8 these pay grades in your term?

9 A. I can't recall specifically if I have
10 reviewed. I believe I have. I can't recall
11 specifically.

12 Q. Do you have an understanding as to how
13 the pay grades were established?

14 A. I don't have that understanding. They
15 were in place when I hired on.

16 Q. Do you know whether, for example, the
17 county hired an outside consultant to come in
18 and do salary evaluations, or whether this is
19 just developed by the county over time?

20 A. I can't answer that. I really don't
21 know.

22 Q. The -- if I may ask --

23 MR. NICHOLAS: Bobbie, do you know the
24 answer to that question?

25 MS. HINZE: From what I was told by my

1 supervisor, that they did have some company come
2 in and do the pay plan and the job descriptions
3 to go with them and the pay scale.

4 MR. NICHOLAS: Thank you very much.
5 That answers my question.

6 MR. THOMPSON: Counsel, for the record,
7 it looks like this pay plan was adopted back in
8 April 20th of 2010.

9 MR. NICHOLAS: Originally.

10 MR. THOMPSON: Yes.

11 MR. NICHOLAS: Bobbie, does it sound
12 correct that they originally brought consultants
13 in to set the salary ranges, and then over time
14 maybe the county made some adjustments to
15 themselves based on requests from department
16 heads?

17 MS. HINZE: There could be some changes
18 like that. I am not for certain. I know a lot
19 of these have to go before the commissioners if
20 they're moving them. I do know that the
21 starting/ending is, of course, adjusted by the
22 commissioners with the COLAS.

23 BY MR. NICHOLAS:

24 Q. Yes. Let's just talk about that.

25 When a -- I am going to jump back to

1 you, Brian. When a cost of living is assigned
2 with COLA, are the COLAS applied to across the
3 board to all categories?

4 A. That's my understanding, yes.

5 Q. If there has been -- let's, for example,
6 a COLA is introduced this year of 3 percent
7 across the board, then the next revision will
8 have the 3 percent built into this?

9 A. That is correct. That is my
10 understanding, correct.

11 MR. NICHOLAS: Bobbie, is that your
12 understanding as well?

13 MS. HINZE: Yes.

14 MR. NICHOLAS: I think I am going to do
15 this a little bit, because I think it will make
16 everything go quicker today. I changed my mind a
17 little bit, Barbara. Okay. Perfect.

18 BY MR. NICHOLAS:

19 Q. Now, when you turn over to -- so let's
20 go back. Each of the positions that are in your
21 department for Road & Bridge, each of the
22 categories, equipment Operator I, equipment II,
23 each of those has a job description?

24 A. Yes, that is true.

25 Q. And so when we're dealing with the pay

1 plan on the front page, a job description, it
2 matches each one of the categories?

3 A. Yes, it does -- should, yes.

4 Q. Now when you go to the -- going to
5 beginning with Park County 2012, this is the
6 Park County pay plan, and it shows steps,
7 correct?

8 A. Correct.

9 Q. As I understand, the way I would read
10 this is that if, for example, my client was --
11 Star Cornett was a Grade 14, Step 10, then her
12 salary should be -- actually, say Grade 15,
13 because she is actually a 15. If you're a Grade
14 15, Step 10, her salary would be \$23.04 an hour?

15 A. That is correct.

16 Q. I will represent to you, in fact, when
17 you go look at hers, that's what it is. You can
18 double check. If you look at your spreadsheet,
19 that one there, I think if you look at her,
20 you're going to see she is a 23.04; is that
21 right?

22 A. I am looking at the old one, sorry.

23 Q. Yeah, I had to do the same thing.

24 A. That is correct.

25 Q. Okay. So that makes sense to me. Now

1 the steps go all the way to a Step 30, correct?

2 Looking over Park County 2013?

3 A. That is correct.

4 Q. What I would like to understand is that
5 if your pay grade range caps out at, let's say,
6 for Road & Bridge equipment Operator I, Grade
7 11, and it says the range is 24.29, and if at a
8 Grade 11, which is 1, 2, 3, 4, 5 -- 1, 2, 3, 4,
9 5, actually total in theory, all of the steps
10 should be within that range?

11 A. In theory, yes.

12 Q. All the available steps should be within
13 the range?

14 A. Yes.

15 Q. Now is there a guide, a written guide,
16 that explains how you assign steps within a
17 grade?

18 A. There is no written guide that I'm aware
19 of.

20 Q. How do you know what step to assign to
21 an employee at any given time?

22 A. So this has evolved in my nine or ten
23 years since being with the county. My first
24 four or five years with the county, budgets were
25 lean. It would be -- generally it might be a

1 2 percent or a 3 percent adjustment, whatever
2 that nearest step may be for a few select
3 employees or whatever.

4 (Phone ringing.)

5 MR. NICHOLAS: Excuse me.

6 THE WITNESS: So again, raises and wage
7 adjustments were few and far between the first
8 half of my career up until when the lawsuit was
9 filed, and then since that time, they have been
10 a little more plentiful. Budgets have been a
11 little better.

12 I would say post COVID, after COVID, and
13 since that time, generally speaking, the
14 commissioners might say across the board COLA,
15 but as far as a merit raise, they will say each
16 department is allocated 3 percent or 5 percent,
17 so they take your -- what our salaries were from
18 the previous year, they take that with an
19 increase of, say, 5 percent, we get a number
20 that I would have for each of my divisions, Road
21 & Bridge, Solid Waste and Engineering.

22 Then I would take that number and I have
23 a -- they give us a spreadsheet. I don't know
24 if Bobbie made it or Steve, but they have a
25 spreadsheet where we can put somebody for no

1 steps, we can put somebody for three steps, five
2 steps, as long as that total at the bottom of
3 the spreadsheet doesn't exceed 5 percent of our
4 overall salaries. I don't know if that makes
5 sense.

6 BY MR. NICHOLAS:

7 Q. It does make sense, and this is an area
8 where we're going to -- I want -- I don't want
9 to go rehash your whole examination. I am not
10 entitled to, okay? But I recall that the
11 examination is that generally your division,
12 your foreman made recommendations to you for the
13 allocation of increases among their employees
14 and generally you approve that. Is that true?
15 Have I stated that correctly?

16 A. That is generally true.

17 Q. Now, when assessing the steps, can a
18 foreman choose to allocate more steps based upon
19 merit?

20 A. Yes, they can.

21 Q. Can the --

22 MR. THOMPSON: I don't think he is done
23 with his answer.

24 THE WITNESS: Sorry about that. I feel
25 like I have to explain a little bit on that.

1 Tom hates when I explain. But, so it is more of
2 a process, so when we have our meeting where it
3 would be myself, the two Road & Bridge foremen,
4 say, and it's a bit of a -- we're looking at --
5 basically, Exhibit 20 would be up on the screen
6 that we're looking at. And we're looking at
7 every employee, and we're saying, you know,
8 they're giving input of, hey, this person really
9 needs to be moved up; they're really doing
10 great, come a long way in their skill level,
11 good work ethic, whatever the case may be. And
12 then part of my role is, I have got Powell crew,
13 I have got a Cody crew, so I am trying to
14 balance -- well, is this person at the same
15 level -- we're going to move this person two
16 steps. Is this person really that much better
17 than operator or this person in the Powell crew?

18 So there is a bit of a give and take
19 between the two Road & Bridge foremen and
20 myself. Ultimately, making sure that we don't
21 exceed that bottom level, but that is how we go
22 through the steps.

23 BY MR. NICHOLAS:

24 Q. Do you do an independent evaluation of
25 the skills of an individual employee personally?

1 A. I do not, personally, no.

2 Q. So merit is one of the criteria that can
3 be used to assign a step?

4 A. That is correct.

5 Q. Can longevity be considered to assign a
6 step?

7 A. It can be, yes.

8 Q. Can attitude be considered to assign
9 steps?

10 A. It does with me, yes.

11 Q. What other qualities can be considered
12 for assigning steps?

13 A. Work ethic, dependability, versatility,
14 that's probably the main thing.

15 Q. Is it fair to say that the assignment of
16 steps and the allocation of raises for step
17 increases that you're awarded is a subjective
18 decision?

19 A. I am not sure if that is the word I
20 would use. Subjective. It's an evaluation.
21 Probably within each department, there is
22 probably going to be a different way that that
23 department person evaluates that same person,
24 that they have got people that all do, basically
25 do the same thing.

1 They are probably going to adjust their
2 wages or steps across the board, whereas in my
3 department, I have got various skill levels,
4 various things that people do, and so it is a, I
5 guess, kind of a basically an evaluation or an
6 assessment based on largely the input from the
7 Road & Bridge foremen as to what that person is
8 deserving of in the way of whether it be merit,
9 longevity, dependability, all those things that
10 I mentioned.

11 Q. Have you been provided personally
12 training on employee discrimination?

13 A. I don't recall anything specific from
14 the county, no.

15 Q. Have you been -- has the county sent you
16 somewhere or brought people in to train you on
17 principles of discrimination?

18 A. No.

19 Q. Do you know whether your two foremen,
20 you got "Paco" Delray. I think I have got
21 his -- so yeah, Paco, and who is your other
22 foreman?

23 A. Lewis Ash. He goes by "Chip."

24 Q. So Chip and Paco; is that correct?

25 A. That's correct.

1 Q. Do Chip -- has the county provided any
2 training for them on discrimination?

3 A. I am not sure.

4 Q. Are you aware of any?

5 A. I am not aware of any, no.

6 Q. Do you believe you would be aware of it
7 if they were provided training?

8 MR. THOMPSON: Objection to form,
9 speculation.

10 THE WITNESS: I would be aware of that.
11 I would say, reason why I say I am not sure is
12 both of these individuals were here for a long
13 time before I hired on, so I don't know what
14 training they had before I got there.

15 BY MR. NICHOLAS:

16 Q. Would it be fair to say you're not aware
17 of any training they have received since you
18 took over the division?

19 A. That is correct, not to my knowledge.

20 Q. Do you know what the term "explicit
21 discrimination" is? Have you ever heard that
22 term?

23 A. I have heard it, yes.

24 Q. Where did you hear it from?

25 A. I can't recall.

1 Q. Do you generally have an understanding
2 of what explicit discrimination means?

3 MR. THOMPSON: Objection to form.

4 BY MR. NICHOLAS:

5 Q. Let me re-ask the question. What is
6 your understanding that you have developed with
7 respect to what explicit discrimination means?

8 MR. THOMPSON: Objection to form. Calls
9 for a legal conclusion.

10 BY MR. NICHOLAS:

11 Q. Go ahead.

12 A. My understanding may not be completely
13 accurate, but it's -- the way I view it is any
14 discrimination that puts some form of bias for
15 treatment to a person because of the group that
16 they're identified with, whether it be male,
17 female, race, sexual orientation, whatever that
18 may be, if because of their classification for
19 better word, if they are treated differently
20 because of that, that's my understanding of what
21 explicit discrimination is.

22 Q. But the word I used was "explicit." Now
23 I am going to ask you about the word "implicit,"
24 "implicit bias," or implicit bias
25 discrimination. Have you heard that word?

1 A. I have heard it.

2 Q. Did you develop an understanding of what
3 implicit bias is?

4 MR. THOMPSON: Objection to form. Legal
5 conclusion.

6 THE WITNESS: My understanding there is
7 that if a person is singled out and treated
8 differently, not necessarily based on one of
9 the, you know, classifications, again, whether
10 it be male, female, race, or whatever, but the
11 person is singled out and treated differently
12 for some other reason. They just don't like the
13 person or whatever. Again, I may be incorrect,
14 but that is the way, I guess, I understood it.

15 BY MR. NICHOLAS:

16 Q. Have you ever heard the words
17 "unconscious bias"?

18 MR. THOMPSON: Objection to form.
19 Counsel, is this within your areas of -- what
20 number?

21 MR. NICHOLAS: It is within the areas of
22 number 13.

23 MR. THOMPSON: That's equal opportunity
24 and equal pay policies.

25 MR. NICHOLAS: That is exactly.

1 MR. THOMPSON: You're asking him of his
2 knowledge of legal terminology, so I am going to
3 object to any questions concerning his knowledge
4 of legal terminology, and direct him not to
5 answer, because he is not prepared for that
6 based upon your 15 areas of examination.

7 MR. NICHOLAS: You can direct him. I am
8 going to ask you -- I want to find out what your
9 knowledge is as a director of equal employment
10 opportunity concepts, okay?

11 MR. THOMPSON: Counsel.

12 MR. NICHOLAS: Let me ask my foundation.

13 MR. THOMPSON: It's the county's
14 adoption. It's not his personal knowledge.

15 MR. NICHOLAS: Let's talk about --

16 BY MR. NICHOLAS:

17 Q. Has the county provided you training on
18 how to identify explicit bias among your staff?

19 MR. THOMPSON: Objection to form. Calls
20 for a legal conclusion. Not within the areas of
21 examination.

22 THE WITNESS: Okay to answer, Tom?

23 MR. THOMPSON: If you understand the
24 question.

25 THE WITNESS: The county has not

1 provided specific training in these areas,
2 however, we are all provided employee policy
3 manuals. We do review those and discuss those,
4 but no specific training, no.

5 BY MR. NICHOLAS:

6 Q. Has the county provided you training on
7 identifying implicit bias?

8 MR. THOMPSON: Same objection.

9 THE WITNESS: Not that I recall, no.

10 BY MR. NICHOLAS:

11 Q. Has the county provided you training on
12 identifying unconscious bias?

13 MR. THOMPSON: Same objection.

14 THE WITNESS: They have not, that I
15 recall, no.

16 BY MR. NICHOLAS:

17 Q. Have you reviewed -- at any given time,
18 did you review your actual wage scales that
19 comes out in exhibit number -- what is this
20 number here?

21 A. 13.

22 Q. 13?

23 A. 13 -- Oh, I'm sorry. That was the old
24 one.

25 Q. Yeah?

1 A. Exhibit 20.

2 Q. 20. Exhibit 20, did you ever do an
3 independent analysis of whether or not the final
4 assignments were being affected by unconscious
5 bias?

6 MR. THOMPSON: Same objection.

7 THE WITNESS: Generally speaking, I try
8 to make sure that when a Road & Bridge foreman
9 is making a recommendation or they're evaluating
10 one of their workers, that they are doing it
11 fairly in terms of, you know, they're treating
12 each person with respect as far as how they're
13 talking about them, how they're presenting them
14 to me, and then -- but, yeah, I guess generally
15 speaking, I try to make sure that everything is
16 fair.

17 That's part of what I do in evaluating
18 what they provide to me. As far as specifically
19 as an unconscious bias, I can't recall that
20 coming into the picture. I can't recall that it
21 has ever been an issue, I will say that.

22 BY MR. NICHOLAS:

23 Q. The -- all of the Operator I's perform
24 generally the same -- required to perform the
25 same work; is that true?

1 A. Not necessarily.

2 Q. Explain.

3 A. Depends on what we're doing, in that we,
4 as a division, we will do maintenance work. We
5 will do projects, special projects. I'd say as
6 far as routine maintenance goes, like the
7 snowplowing or even -- well, mainly,
8 snowplowing, they generally do the same thing
9 there, but as far as what they're doing on a
10 day-to-day basis, that could vary. Could vary
11 between crews, vary based on what job they do.
12 So, yeah, project specific, there can be
13 changes.

14 Q. Is it your goal that every Operator I
15 can perform all the functions that are
16 designated in the job description?

17 A. That is a goal, yes.

18 Q. Same question for Operator II?

19 A. That is a goal, yes.

20 Q. Same question for Operator III?

21 A. Yes.

22 Q. In general, the job descriptions for an
23 operator -- heavy equipment operator for the --
24 heavy equipment operator is the same for
25 Operator I's, II and III, correct?

1 MR. THOMPSON: Objection to form.

2 THE WITNESS: For an Operator I,
3 generally it is the same. But again, it just
4 depends on what that person's skill level
5 capability, whether, you know, depends on what
6 piece of equipment they're, you know,
7 comfortable in using, how far along they are in
8 their training. But generally, that's true on
9 an -- you said Operators I, II and III, that
10 gets more diverse as you get to II and III.

11 For example, in the IIIs, we -- not
12 everybody on the crew runs the chipper, you
13 know, or runs the oil distributor. We try to do
14 some cross-training within that, but there are
15 some things that not everybody knows how to do.
16 BY MR. NICHOLAS:

17 Q. Is it your goal to have everybody
18 cross-trained that wants to be cross-trained?

19 A. It is my goal, yes. I don't know if
20 that has always been the case with the Road &
21 Bridge foremen. There is always that balance of
22 trying to -- we have got a lot of projects
23 going. We have got a lot of work we've got to
24 get done. We got a short season, and we need
25 the people in the right piece of equipment to

1 get things done. So we're balancing that with
2 trying to train, cross-train, whenever we have
3 time to do so.

4 Q. Is it the county's goal to have
5 everybody cross-trained that wants to be
6 cross-trained?

7 A. I believe it is, yes.

8 Q. Is there a written set of standards for
9 the foreman to evaluate the skill sets?

10 A. There is no written standard that I am
11 aware of.

12 Q. If you hire equipment operator, for
13 example, that came from the mines up in
14 Gillette, let's suppose he can run a large haul
15 truck, and let's suppose he can also run an
16 electric shovel. Do you know what an electric
17 shovel is?

18 A. Yep.

19 Q. Does that affect -- if you were to hire
20 him in, would that affect his pay rate?

21 MR. THOMPSON: Objection to form.
22 Hypothetical.

23 THE WITNESS: I am going to say it
24 depends. It depends on if there were other, how
25 long, was it just those pieces of equipment or

1 anything else, do they come with a CDL or not,
2 so there is a lot of factors, a case-by-case
3 basis.

4 BY MR. NICHOLAS:

5 Q. Would you agree with me that -- well,
6 you've testified that part of the goal of the
7 county is to provide training for its employees
8 to improve their skills, correct?

9 A. Correct.

10 Q. And would you agree with me that it is
11 the foreman's job to provide that opportunity to
12 all employees fairly?

13 MR. THOMPSON: Objection to form.

14 THE WITNESS: That's my understanding.
15 That's correct.

16 BY MR. NICHOLAS:

17 Q. Would you agree that that opportunity to
18 be trained should be given to men and women
19 equally?

20 A. Absolutely agree with that.

21 Q. Would you agree with me that a foreman
22 could help one employee over the other by giving
23 that employee more training opportunity than a
24 second employee?

25 MR. THOMPSON: Objection to form.

1 Incomplete hypothetical.

2 THE WITNESS: Generally, that could
3 happen. It's going to depend on a lot of
4 factors though. One employee may have better
5 work ethic, more try, more eagerness to learn,
6 so there is -- each case is different.

7 BY MR. NICHOLAS:

8 Q. Foremen, though, are in an opportunity
9 to pick winners and losers by offering if they
10 like someone better, they can unconsciously give
11 them more training. Would you agree that that
12 can happen?

13 MR. THOMPSON: Objection to form.
14 Speculation, incomplete hypothetical,
15 foundation.

16 THE WITNESS: I guess that could happen.

17 BY MR. NICHOLAS:

18 Q. If the foreman gives a person more
19 opportunity for training after he has obtained
20 those skills, he will move -- that person will
21 move up in steps, correct?

22 MR. THOMPSON: Same objection.

23 BY MR. NICHOLAS:

24 Q. If the foreman recommends it?

25 MR. THOMPSON: Same objection.

1 THE WITNESS: If the foreman recommends
2 it, but again, that's based on several factors,
3 not just that I like them. They might like them
4 because of their work ethic, because of their
5 attitude, a lot of different factors. So like
6 them just because personally they are a good
7 guy, that, I have never seen happen. But
8 happening based on those criteria we have all
9 discussed, just like any boss of any employee,
10 you have got your employees that go the extra
11 mile, and you have got people that come and do
12 the bare minimum, do basically what they have
13 got to do. They go home and punch the clock.
14 That varies.

15 BY MR. NICHOLAS:

16 Q. So does the county evaluate foremen on
17 whether they are providing equal training
18 opportunities to all employees?

19 A. Not that I'm aware of, no.

20 Q. Another way of certainly experience,
21 would you agree that more experience generally
22 leads to better skills?

23 MR. THOMPSON: Objection to form.

24 THE WITNESS: Not always. Generally
25 speaking, yes, but not always.

1 BY MR. NICHOLAS:

2 Q. What would be the exceptions that you
3 can think of where more experience does not
4 provide better skills?

5 A. Well, in my 30-year career plus I have
6 worked with a lot of different operators. Some,
7 like, you could put them on a piece of
8 equipment, they can maybe go down the road.
9 Some of these things like a motor grader, a
10 blade, or even a dozer, a finished dozer, some
11 people can run it for years and years and never
12 get it. And there are others that they get on
13 it day one, after a month or so, and they can
14 put icing on a cake. You know, they are just
15 very skilled with it, and it is an art,
16 honestly. Some people have it, some people
17 don't. Not everybody can be a skilled equipment
18 operator in my opinion.

19 Q. But everybody that becomes qualified as
20 an Operator I has demonstrated they at least
21 have the skills to develop an expertise in the
22 equipment that they are assigned; is that true?

23 MR. THOMPSON: Objection to form.

24 THE WITNESS: I am going to say
25 incorrect, because we have had individuals that

1 they have been content on driving a truck, CDL,
2 that's all they wanted to do, and their capacity
3 was about at that level. If we started talking
4 running a chipper, an oil distributor, running a
5 motor grader, overseeing a job, they just don't
6 have that capacity to do that.

7 BY MR. NICHOLAS:

8 Q. Do you have anybody on your crew today
9 that you would identify like that?

10 A. I don't have anybody like that on my
11 crew today, no.

12 Q. Then, would you agree that one of the
13 obligations of your -- of the county's foremen
14 is to help develop the skills of all of your
15 heavy equipment operators as much as they can?

16 MR. THOMPSON: Objection to form.

17 THE WITNESS: I agree that is true, but
18 it also balances with that individual's
19 eagerness to learn and grow and expand their
20 capabilities.

21 BY MR. NICHOLAS:

22 Q. So would you agree, then, that for every
23 employee that wants to improve their skills and
24 become better, it is part of the obligation of
25 the foreman to help that person, help teach that

1 person and help give them the skills that they
2 want to obtain?

3 MR. THOMPSON: Objection as to form.

4 THE WITNESS: I would agree with that,
5 yes.

6 BY MR. NICHOLAS:

7 Q. Would you agree that men and women
8 should be paid the same wage for performing the
9 same work?

10 A. Absolutely.

11 MR. THOMPSON: Objection. Counsel,
12 we're not doing a 30(b)(6) deposition anymore.
13 We're off onto a fact.

14 MR. NICHOLAS: I disagree with you. We
15 are wrapping it up. Tom, if you want to keep
16 this going, I can ask these questions. I am
17 going to get this information out. These are
18 within the 30(b)(6).

19 MR. THOMPSON: We will call the
20 magistrate.

21 MR. NICHOLAS: I don't need to do that.

22 MR. THOMPSON: Will you let me --

23 MR. NICHOLAS: I would like you not to
24 interrupt my deposition.

25 MR. THOMPSON: Tell me where that

1 question comes from, because I am all game for
2 you asking what you have designated in your 15
3 areas, but you're asking him --

4 MR. NICHOLAS: This is part of the
5 County's option and the enforcement that are
6 equal employment in equal pay policy for the
7 past five or seven years. That is within that
8 category.

9 MR. THOMPSON: I would disagree with
10 you. And I have been letting it go on and go on
11 and go on, so if you're going to stick to the
12 areas that you have designated, I am fine. If
13 not, we're going to need to get the magistrate
14 on the phone.

15 MR. NICHOLAS: I don't care about
16 getting -- I am happy to get the magistrates on,
17 but he has answered the question, and we're
18 moving on.

19 MR. NICHOLAS: Let's do this. Let's
20 take about a ten-minute break because I want to
21 get organized and, honestly, I am going to get
22 close to wrapping this up.

23 (A recess was taken from 10:51 a.m.
24 until 11:00 a.m.)

25 BY MR. NICHOLAS:

1 Q. I am going to provide to you two
2 exhibits. Exhibit No. 27 is a wage increase
3 study, and it is Park County 1830; and the
4 second one is Wage Increase Study, Park County
5 2049.

6 (Exhibit 27 was marked for
7 identification.)

8 (Exhibit 28 was marked for
9 identification.)

10 MR. NICHOLAS: Thank you.

11 MR. THOMPSON: Counsel, could we -- I am
12 missing 27, or maybe I just.

13 MR. NICHOLAS: 27 was the -- did I not
14 give you 27?

15 MR. THOMPSON: This one is marked 28,
16 both of these.

17 MR. NICHOLAS: I apologize. I think I
18 wrote the wrong number on -- 27 is the one
19 that's 1830.

20 MR. THOMPSON: Okay. Thank you.

21 MR. NICHOLAS: I apologize. I see what
22 I did.

23 MR. THOMPSON: Okay.

24 MR. NICHOLAS: I think you have it
25 correct. I apologize. Thank you for helping me.

1 BY MR. NICHOLAS:

2 Q. Do you know what these are?

3 A. I do.

4 Q. These are -- well, tell us what they
5 are.

6 A. So these are prepared by the clerk's
7 office, probably Bobbie, I am guessing, which
8 basically tracks what sort of wage adjustments
9 in a given year were approved or authorized by
10 the commissioners, whether that be COLA, merit,
11 or a bonus.

12 Q. Can we generally assume that 1830, which
13 is Exhibit 27, is the same as Exhibit 28, except
14 for 28 is just -- brings it current to 2024?

15 A. I would say that is generally correct,
16 yes.

17 Q. So let's focus, then, on Exhibit No. 28,
18 which is Park County, Bates number 2049. So in
19 1997, it says, revised grade and step realigns
20 to grade -- I am assuming that that is a
21 revision of the Exhibit No. 26 that we have
22 already talked about. Is that what you would
23 assume?

24 A. That's what I would assume, yes.

25 Q. Then on July 1, 1998, it says

1 2.3 percent COLA. That would be a permanent
2 COLA that would be applied across the board to
3 all employees and would increase the numbers in
4 Exhibit No. 26, correct?

5 A. That's my understanding, yes.

6 Q. Let's jump down to a 7/1/2001. .25 per
7 hour, plus 1.95 percent COLA. The COLA, I
8 understand. What does the .25 per hour
9 represent?

10 A. That would be a change to a person's
11 hourly rate, but I will say this is well before
12 I came to the county, so I can't say what the
13 basis of -- those are kind of some odd numbers.
14 The percentage is well before my time, so I
15 really can't say.

16 Q. I assume, then, that that probably .25
17 -- well, if you don't know, but do you believe
18 that actually then was added across the board to
19 the steps?

20 A. That is my understanding, correct.
21 That's how I would think it would have gone
22 down.

23 Q. Then on January -- on July 1, 2003,
24 there was a raise based on longevity and scaled
25 adjustment so that people got raises for

1 longevity.

2 Do you see that?

3 A. I do, yes.

4 Q. Do you know how that was calculated?

5 A. I do not, no.

6 Q. Then below that, there is -- or 2005,
7 there is wage increase on \$0.47 an hour, there
8 was wage given for longevity and \$0.50 an hour
9 increase plus a COLA. Do you know whether all
10 those were applied across the board to all
11 employees?

12 A. I don't know. I have no knowledge of
13 that. I suspect that is the case, but I don't
14 know.

15 MR. NICHOLAS: Bobbie, do you go that
16 far back?

17 MS. HINZE: I do not.

18 MR. NICHOLAS: Do you have an
19 understanding of whether that was applied across
20 the board?

21 MS. HINZE: You know, in doing this
22 study, it was based off of an employee that had
23 been there for such a long period of time is how
24 they got these percentages in hourly rates, but
25 I do not know if they were applied across the

1 board.

2 MR. NICHOLAS: That's fine.

3 BY MR. NICHOLAS:

4 Q. Let's go to more current -- what year
5 did you come in?

6 A. I came in fall 2014.

7 Q. Let's start from there, then. At '14,
8 there is a 2 percent COLA. That would be across
9 the board?

10 A. Yes, that's correct.

11 Q. At '15, there were a few individuals
12 that received a raise this year. It was
13 submitted individually by the supervisor. And
14 do you have any recollection of whether you
15 remade or made requests for individual employees
16 within your division at that time?

17 A. I don't recall. On my exhibit that is
18 Exhibit 20. You can see where I, in later
19 years, I tried to note that, if only a couple
20 people got raises, so I can tell you for later
21 years, but I don't have that for that specific
22 year of who.

23 Q. But it's something that can happen.
24 You're always free to go in and make adjustments
25 if you think equity requires it?

1 A. We're able to recommend that to the
2 commissioners pending their approval, correct.

3 Q. Can you recall the commissioners ever
4 denying you a request?

5 A. I have been -- I can't recall specific
6 times, but, say, the amount of the adjustment
7 has been discussed, and I can say back for the
8 first half of my career up until about 2020, a
9 lot of times there would be -- I am not sure if
10 I can say this -- be an executive session type
11 deal where each department manager would come in
12 from the commissioners, and we would talk about
13 those kind of things. But, you know, usually
14 Road & Bridge foreman is in there too, but what,
15 you know, what amounts we are able to do.

16 Does that make sense?

17 Q. Yeah.

18 A. So sometimes it is a bit of a
19 negotiation. A lot of times the commissioners
20 will want us to come in prepared to defend why
21 we need this adjustment.

22 Q. 2016, there were no increases. 2017,
23 there were a few individual raises submitted by
24 supervisors. Now are you the supervisor; is
25 that what they're referring to, or is it

1 referring to --

2 A. I believe I would classify that as, yes,
3 I am a department head, yes.

4 Q. There was bonuses of 500 per employee
5 that worked 0 to 20, 750 for employees that
6 worked 21 to 30 hours, there were bonuses of a
7 thousand dollars that worked 31 to 40 hours. Do
8 you recall generally that being implemented?

9 A. I do recall that being implemented, yes.

10 Q. Are all of the heavy equipment operators
11 provided the same opportunity to provide
12 overtime or to work additional hours?

13 A. That's generally up to the Road & Bridge
14 foreman, but generally, that's true. But it
15 depends on what's needed. If it's a mowing
16 where just one or two people need to go out or
17 we're sweeping in preparation for a chip seal,
18 then we may not need the whole crew. So it's
19 generally the foreman's call, and generally if
20 there is going to be overtime, they usually
21 discuss that with me as far as -- generally, the
22 commissioners don't like to see overtime, so we
23 do talk about it if there is going to be
24 overtime.

25 Q. Generally, the heavy equipment

1 operators, I assume, all work 40 hours?

2 A. Generally speaking, that's correct.

3 Q. Then in 2018, 5 percent COLA, and a few
4 individual raises, so would I be correct in
5 assuming that the -- in that year, each
6 supervisor had to come and ask specifically for
7 the employees that they wanted to advocate to
8 get more raises?

9 A. That's correct.

10 Q. 2020, 2 percent bonuses for department
11 heads to distribute and few individual raises,
12 so this is one of those things you were talking
13 about earlier where you would get an allocation
14 and then you would put it up on a chart?

15 A. That is correct.

16 Q. For those years, where you actually had
17 an allocation and you did a distribution, do you
18 still have the charts that show how you
19 distributed for those specific years, 2020, it
20 looks like? From 2020 to '24, it looks like you
21 each year were provided funds to be distributed
22 at your discretion?

23 A. I have those, and I know Bobbie has
24 those exhibits.

25 MS. HINZE: One of the exhibits.

1 MR. NICHOLAS: Have I already identified
2 it?

3 MS. HINZE: No.

4 MR. NICHOLAS: Is that this one?

5 MR. THOMPSON: What is -- the date's in
6 the lower right-hand corner.

7 MS. HINZE: 2048.

8 MR. NICHOLAS: Let's mark that as
9 Exhibit 29.

10 (Exhibit 29 was marked for
11 identification.)

12 BY MR. NICHOLAS:

13 Q. Let me hand you Exhibit No. 29, and can
14 you help me how I read this correctly?

15 A. Yes. I can help you with that.

16 Q. Thank you.

17 A. So in this case, that red at the top,
18 that's the allocation which is -- I forget what
19 they said -- was it a 5 percent bonus for that
20 year? Whatever the commissioners say, so that
21 5 percent -- or was it 2?

22 MS. HINZE: I think maybe 2.

23 A. So say 2 percent. That goes across the
24 board or across the board that 2 percent of our
25 salaried budget for, say, 3100, which is Road &

1 Bridge, that's that number in red, 2 percent
2 increase. And then what Bobbie or somebody -- I
3 think Bobbie does this. It's pretty handy -- is
4 we will then go along and say whether it's two
5 steps, one step, zero steps, four steps. We'll
6 put that for each individual, and in this case,
7 it was just a bonus, and you can see that on
8 that far column, everybody got the same amount.
9 It was distributed evenly. I think right then
10 we were coming out of COVID. Everybody was
11 hurting, deserving, and we were hoping to get
12 merit raises. We were allowed to give bonuses.
13 We just across the board gave everybody the same
14 amount.

15 Q. So that was a one-time bonus?

16 A. That was a one-time bonus. But also I
17 noticed that the Road & Bridge foremen did not
18 take a bonus. Them and myself. We took our
19 bonus and distributed it amongst the employees.

20 MR. NICHOLAS: Bobbie, do we have any
21 more of these?

22 MS. HINZE: We do, but I guess I thought
23 they were in here, but I don't know if they are.

24 MR. NICHOLAS: Would you do me a favor?
25 If we don't have them, that's fine. Would you

1 just provide them to Tom, and then, Tom, if you
2 would mail them for me for the other years.

3 MR. THOMPSON: I think they have already
4 been provided.

5 MS. HINZE: I didn't know what had been
6 sent before.

7 MR. THOMPSON: Let me take a quick look
8 at...

9 MR. NICHOLAS: What page number are you
10 looking at, Tom?

11 MR. THOMPSON: If we haven't provided
12 it, we will send it to you.

13 MR. NICHOLAS: Would you, please?

14 MR. THOMPSON: Yep.

15 MR. NICHOLAS: And we'll go back and
16 look, too.

17 MR. THOMPSON: It could be in the
18 previous.

19 MR. NICHOLAS: Could be. That's fine.
20 I just want to make sure we have got it. I
21 think you have explained it, so we'll understand
22 it when we see it.

23 Let me draw your attention on Exhibit
24 Number 13.

25 BY MR. NICHOLAS:

1 Q. So on 13, I want to draw your attention
2 to Kip Matteson. Did I say that right, Matteson
3 or Matheson?

4 A. Matteson.

5 Q. Kip was hired in 2022 as an Operator III
6 with only a hit 1.5 years of service, so he is
7 in a Grade 15, Step 6.

8 Do you see that?

9 A. I think that Operator III is an error,
10 because Grade 15 would be an Operator II level,
11 so I think that is an error. Probably hired in
12 an Operator II.

13 Q. Well, I can see that in the following
14 year, he is shown as an Operator II, if you look
15 over to Exhibit 20.

16 A. I caught that at some point.

17 Q. So you think that the Exhibit 13 is just
18 a mistake?

19 A. Yes. Correct.

20 Q. All right.

21 MR. NICHOLAS: Bobbie, we went through
22 the questions I had. Is there anything that you
23 would add or change from what you heard
24 Mr. Edwards to speak this morning that you can
25 think of?

1 MR. THOMPSON: Objection to form.

2 MS. HINZE: No, I think he pretty well
3 covered it.

4 MR. NICHOLAS: I think -- let me just go
5 through my questions here.

6 BY MR. NICHOLAS:

7 Q. On the -- you talked about the county
8 commissioners meeting in March and giving a
9 directive as to what forward year was going to
10 look like. Were those instructions ever given
11 in writing?

12 A. Usually an email that would come from
13 the clerk so that the commissioners would
14 communicate through the clerk's office what we
15 were supposed to do, whether or not it would be
16 a COLA, or 2 percent, a discretionary merit, but
17 where was I going with that. Usually, that is
18 done late in the budget process. I don't really
19 like that it is, but they will try to balance
20 the budget with everything else, so it will be
21 our expense items. And not just us, but across
22 the county, they will be looking at that budget
23 and see -- okay, can we do raises? Can we do a
24 COLA?

25 Q. Were we able to find those emails with

1 the actual budget directives as to what the
2 budget should be submitted on?

3 MS. HINZE: I am not for certain if they
4 would come from the accounts payable budget
5 side, or are you just --

6 MR. NICHOLAS: Well, what I am looking
7 for is -- I was in budget for a long time with
8 the State, and the governor every year said, I
9 am going to have to put a budget -- here is what
10 my directors, I want them to do. I am going to
11 allow you to do a COLA. You can do 1 percent,
12 and that was what the directors would submit
13 their budgets on.

14 And I think, Brian, what you described
15 to me is what I expect to see and that is your
16 bosses, the commissioners, would say, we expect
17 you to bring forward a budget with these
18 parameters. So I was looking for those budget
19 directives, for the parameters if they exist.

20 THE WITNESS: Kind of a step before
21 that, we have -- and it has just been the last
22 four years or so, really since we started doing
23 the department discretionary distributions, but
24 we have budget committee meetings or even
25 benefits. They are called benefits, where we

1 might discuss healthcare, going to a PPO -- PTO
2 versus, you know, so just big picture
3 discussions.

4 That's all the department heads and it's
5 usually at least one or two commissioners. But
6 usually the chair has been, and in those
7 meetings, we -- that particular commissioner,
8 again, usually the chair, they are getting a
9 read on what the employees' situation is like.

10 For instance, the sheriff may be saying,
11 We're losing our quality officers and they're
12 all going to Cody because our pay scale's not in
13 line with, you know, everybody else.

14 So those kind of discussions happen, and
15 then that goes back to the commissioners, and
16 they weigh that with all the expenses and
17 everything else, looking to see if they've got
18 revenue and expenses, trying to keep that budget
19 balanced, but then what can they do within that.

20 The benefits committee may say, Hey, we
21 recommend a 3 percent COLA, and we do all kind
22 of agree to that, and 3 percent merit,
23 discretionary to be spent, and that is kind of
24 discussed in that meeting, and then that is
25 taken to the commissioners.

1 And the commissioners usually will cut
2 that back. Instead of 5, they will say 3 or 2,
3 or whatever. But then what happens is they take
4 an action on that, which would be in the meeting
5 minutes that you should have, and then from
6 that, the clerk or usually Bobbie or somebody,
7 the clerk's office, we get an email that will
8 have that spreadsheet that we were looking at
9 that has the, how do we distribute it.

10 BY MR. NICHOLAS:

11 Q. The wage?

12 A. Yes. And that will be the instruction
13 on what you need to do.

14 Q. Would there be more discussion on how
15 you are to allocate the discretionary money?

16 A. No. When it's discretionary by the
17 department, that's the department heads decision
18 on how they want to go about distributing it.
19 Some will do it across the board depending on
20 their type of operation. Some will do it
21 differently.

22 Q. I am satisfied we have a good
23 explanation of that. The -- was there a final
24 report from the consultants that created the
25 compensation plan?

1 MS. HINZE: I am not aware of any.

2 MR. NICHOLAS: This may be the report?

3 MS. HINZE: Well, yeah, it very well
4 could be. I know. Yeah, I don't know.

5 MR. NICHOLAS: I assume it goes so far
6 back before your time, whatever it was.

7 MS. HINZE: Nothing stored on the
8 computer that I am aware of for that.

9 MR. EDWARDS: I have never seen anything
10 in my files either on that.

11 MR. NICHOLAS: That is all the questions
12 we have. Thank you for your time.

13 MR. EDWARDS: Could I -- off the
14 record -- I want to clarify an error.

15 MR. NICHOLAS: Do it on the record.

16 MR. EDWARDS: I think it affects all of
17 us, not just one. I noticed it this morning.
18 When you were looking at exhibit -- this pay
19 plan, whatever exhibit that is?

20 MR. NICHOLAS: Yeah, I will help you
21 there. It is --

22 MR. THOMPSON: 26.

23 MR. NICHOLAS: That sounds right.

24 MR. EDWARDS: Yeah, 26. I was looking
25 this morning at this, and I was just comparing

1 my summary chart, and a bit of an oversight, but
2 looking at it, noticed that on the Exhibit 26
3 like an Operator I is still shown as a Grade 11.
4 They are actually a 12 now.

5 BY MR. NICHOLAS:

6 Q. I saw it. Operator II is now a 15. I
7 meant to ask you about that.

8 MR. EDWARDS: I just wanted to clarify
9 it because if some of the documents don't line
10 up with that. A couple years ago, it was an
11 adjustment that we asked for and the
12 commissioners agreed to, to bump those grades up
13 for those two levels just because of the ranges
14 were not competitive with our competitors.

15 MR. NICHOLAS: Here is what I assume.
16 If you look at Exhibit Number 20, and we could
17 see that your Operator I's are Grade 15; 17s are
18 IIs -- no, IIIs are 17s; IIs are 15s, and so I
19 knew that. So I had in my mind -- when I go to
20 pay scale, I put -- I followed the grades and
21 steps that are on Exhibit 20, and it sounds like
22 that's where we should go.

23 THE WITNESS: That's correct. Those are
24 everybody's current grade and steps. And I
25 notice on one of Bobbie's, on the summary, she

1 is listing what they were before, the grade and
2 step.

3 MR. NICHOLAS: So I assume that when it
4 comes out in 2025, you will have that corrected?

5 THE WITNESS: Correct.

6 MS. HINZE: I think it is in the
7 minutes, too, when we did that.

8 THE WITNESS: Yeah, it is.

9 MR. NICHOLAS: Well, I -- and honestly,
10 I did see that. I meant to ask you about it,
11 but I could tell what happened. I suspect could
12 have happened to other positions, but at least
13 with the heavy equipment operators, they're
14 reflected on Exhibit 22. 6 that would be
15 incorrect grade, but if you take the grades and
16 the steps and apply them to the pay plan, which
17 it starts on the 2012, it makes sense.

18 MR. EDWARDS: It does.

19 MR. NICHOLAS: It matches those. Got
20 it. Thank you.

21 MR. EDWARDS: You're welcome.

22 (At 11:28 a.m. the matter was completed)

23

24

25

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WITNESS' SIGNATURE/CORRECTION PAGE

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If there are any typographical errors to your

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Deposition, please indicate them below.

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Any other changes to your Deposition are to be
 listed below with a statement as to the reason
 for such change.

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CORRECTION

REASON FOR CHANGE

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20

I, BRIAN EDWARDS, do hereby certify that I
 have read the foregoing pages of my testimony as
 transcribed, and that the same is a true and
 correct record of the testimony given by me in
 this Deposition on August 21, 2024, except for
 the changes made.

23

24

Date Signed _____

BRIAN EDWARDS _____

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WITNESS' SIGNATURE/CORRECTION PAGE

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If there are any typographical errors to your

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Deposition, please indicate them below.

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 listed below with a statement as to the reason
 for such change.

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PAGE/LINE

CORRECTION

REASON FOR CHANGE

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I, BOBBIE HINZE, do hereby certify that I
 have read the foregoing pages of my testimony as
 transcribed, and that the same is a true and
 correct record of the testimony given by me in
 this Deposition on August 21, 2024, except for
 the changes made.

24

25

Date Signed_____
BOBBIE HINZE

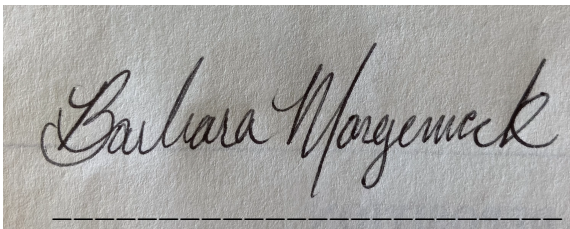
CERTIFICATE

I, Barbara Morgenweck, Registered Professional Reporter, and Certified Court Reporter, do hereby certify that prior to the commencement of the examination the Deponent was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

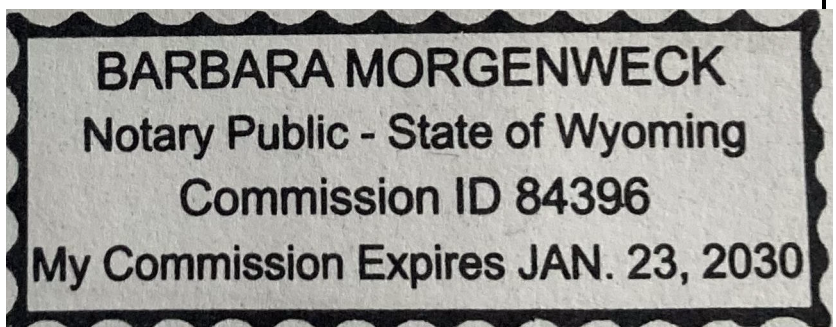
I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Dated this 2nd Day of September, 2024.

A photograph of a handwritten signature in black ink on a light-colored surface. The signature is cursive and reads "Barbara Morgenweck". Below the signature is a dashed line.

Barbara Morgenweck
COURT REPORTER
Registered Professional Reporter
Certified Court Reporter NM # 526
Notary Public



~~Exhibit 3:~~

Delray “Paco” Jones Deposition Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STARKIE CORNETT,
Plaintiff,
V.) 22-CV-00034
PARK COUNTY BOARD OF COUNTY)
COMMISSIONERS and PARK COUNTY)
ROAD AND BRIDGE DIVISION OF)
THE PUBLIC WORKS DEPARTMENT,)
Defendants.)
-----)

March 14, 2024

Remote oral deposition of Delray Jones (Paco)
conducted via Zoom in the State of Wyoming,
commencing at 9:00 a.m. on the above date,
before Barbara Morgenweck, Registered
Professional Reporter, Realtime Reporter and
Notary Public.

MORGENWECK COURT REPORTING

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15 Also Present:

16

17 Brian Edwards

17

18

19

20

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1 EXAMINATION INDEX

2

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PAGE:

4 Delray Jones (Paco):

5

Examination by Mr. Keller

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Examination by Mr. Thompson

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INDEX TO EXHIBITS

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1 DELRAY JONES,

2 Having first been duly sworn, testified
3 as follows:

4 EXAMINATION.

5 BY MR. KELLER:

6 Q. Mr. Jones, what name do you prefer being
7 called by?

8 A. Everybody calls me Paco, so if you're
9 comfortable with that, I am.

10 Q. Yep, I sure am.

11 A. That is my nickname.

12 Q. Okay. So there is going to be a couple
13 rules here, and we just broke one of them,
14 believe it or not. The rule is for the court
15 reporter and for the record, I am going to do my
16 best to try to pause and let you finish what
17 you're saying so we're not -- and I am going to
18 ask that you do the same thing when I am talking
19 on questions and not try to anticipate the
20 question. Reason being is we end up talking on
21 each other, and it is really hard for the court
22 reporter. So is that something you could agree
23 on?

24 A. Yes, sir.

25 Q. Okay. The other is I am going to -- I'm

1 just going to ask you what -- you know, you just
2 swore under oath and you're under perjury, in
3 your own words, what do you believe that means?

4 A. That I need to tell the whole truth and
5 nothing but the truth.

6 Q. You understand, and what is the term
7 "under the penalty of perjury" mean to you?

8 A. I don't understand that.

9 Q. Okay. So just to let you know, under
10 the penalty of perjury, that actually can be
11 something that can be criminally charged if it
12 is found that you have been -- perjured yourself
13 in testimony, okay? So just to start off with,
14 what is your full name?

15 A. Delray Jones.

16 Q. When did you first start working for
17 Park County?

18 A. November 2nd, 2002.

19 Q. Was that with Parks & Bridge, I mean,
20 not Parks & Bridge, Road & Bridge?

21 A. Yes, sir.

22 Q. And do you recall what level you were
23 hired on at?

24 A. Yes, I was hired on as an Operator I.

25 Q. Were you immediately hired on full-time?

1 A. Yes, sir.

2 Q. Prior to working for Road & Bridge, what
3 was your experience?

4 A. In the construction field?

5 Q. Yes. Yep.

6 A. Well, I run some equipment tractors and
7 whatnot on ranches, and then I run some smaller
8 equipment when I worked -- I worked 11 years
9 pouring concrete on a concrete crew. I run, you
10 know, the bobcat, skid steers, little excavators
11 and stuff like that, and smaller equipment.
12 Worked for Whitlock Construction in Powell, and
13 that's where I got into the bigger loaders,
14 excavators. I run dozers for them, and drove
15 trucks, truck/trailer combinations.

16 Q. Who was your foreman when you hired on
17 with Road & Bridge?

18 A. Larry Nielson.

19 Q. How long was he your foreman for?

20 A. Excuse me?

21 Q. How long was he your foreman?

22 A. I don't have the dates, but he was a
23 long time. Dale Hobby was that took his
24 position. I don't have the dates. It was a
25 long time.

1 Q. How long was Dale Hobby your foreman?

2 A. I think it was like seven years.

3 Q. In regards to Dale Hobby, was he, in
4 your opinion, do you believe he was a
5 knowledgeable equipment operator.

6 A. No.

7 Q. Was he a -- did he know his -- as a
8 foreman, was he a -- well, I am just going to
9 ask you, do you believe he did a good job as a
10 foreman?

11 A. Yes.

12 Q. So why do you believe he wasn't a
13 knowledgeable equipment operator?

14 A. I don't think he had a lot of experience
15 with, but he was very well organized and to be a
16 supervisor. He did real good, you know,
17 managing it. He was real good at that.

18 Q. And do you know what Dale Hobby's
19 experience was prior to becoming a foreman?

20 A. I don't.

21 Q. Do you know if he's a certified crane
22 operator?

23 A. I don't.

24 Q. CDL truck driver?

25 A. Still talking Dale?

1 Q. Yes.

2 A. Yes.

3 Q. You don't know how many years he
4 operated that equipment before he became
5 foreman?

6 A. No.

7 MR. THOMPSON: Objection to form, vague.

8 BY MR. KELLER:

9 Q. Let me re-ask that question. Do you
10 know what Dale Hobby's experience was prior to
11 him becoming a foreman?

12 A. No.

13 Q. When did you become -- so were you the
14 one replaced Dale Hobby?

15 A. Yes.

16 Q. And when did that occur?

17 A. In 2019.

18 Q. When you became foreman, was Starkie
19 Cornett already on the crew?

20 A. No.

21 Q. She was not already on the crew when you
22 became a foreman in Powell?

23 A. No.

24 Q. Whose decision was it to bring Starkie
25 Cornett from the Cody shop to Powell?

1 A. I don't know.

2 Q. Do you recall when Starkie Cornett
3 started in Powell shop?

4 A. No.

5 Q. Did Dale Hobby supervise Starkie Cornett
6 at all?

7 A. Yes.

8 Q. So were you Dale Hobby's supervisor?

9 A. Was I?

10 Q. Yes.

11 A. No.

12 Q. So how -- explain to me how Starkie
13 Cornett was not on the Powell crew, but Dale
14 Hobby was supervising Starkie Cornett?

15 A. So she worked on the Cody crew and then
16 she transferred over to the Powell crew, and
17 there was a short time that Dale was her
18 supervisor. I don't know the time, date, how
19 long that was, but -- and then he moved on.

20 Q. So then Starkie was, in fact, on the
21 Powell crew by the time when you became foreman?

22 A. Yes.

23 Q. And do you know if Dale Hobby had tried
24 to get Starkie Cornett moved up to an Equipment
25 Operator II?

1 A. No.

2 Q. Do you know if he tried to get Arthur
3 Briggs moved up to an Equipment Operator II?

4 A. No.

5 Q. Do you know if Ron Nieters had tried to
6 get Star Cornett moved up to an Operator II?

7 A. No.

8 Q. Do you know if Dale Hobby had gone out
9 to evaluate Star Cornett's performance on
10 equipment?

11 A. No.

12 Q. Did -- before Star Cornett came over to
13 Powell, did he give everybody an opportunity to
14 give their opinion on who to bring into the
15 Powell shop?

16 MR. THOMPSON: Objection to form, vague
17 as to "he."

18 MR. KELLER: Yeah, Dale Hobby.

19 BY MR. KELLER:

20 Q. Did Dale Hobby give you the opportunity
21 to review new hires or people that were going to
22 be potentially brought over to the Powell crew?

23 A. Yes.

24 Q. Did you tell him that you did not want
25 Star Cornett to come over to the Powell crew?

1 A. No.

2 Q. Did you ever tell Dale Hobby that was a
3 mistake that he hired Starkie Cornett?

4 A. No.

5 Q. So when I bring Dale Hobby in to
6 testify, that is what he's going to testify to?

7 A. Yes.

8 MR. THOMPSON: Objection to form. Calls
9 for speculation. Foundation also.

10 BY MR. KELLER:

11 Q. So when Starkie Cornett came to the
12 Powell crew, was there someone that had quit and
13 left Powell before her transfer?

14 A. I can't remember.

15 Q. Do you recall if there was an open
16 position on the Powell crew?

17 A. I can't. I don't know.

18 Q. And you also supervise Tim Morrison?

19 A. Yes.

20 Q. Arthur Rowdi Briggs?

21 A. Yes.

22 Q. You supervise Kristopher Cooper?

23 A. Yes.

24 Q. Kristopher Cooper no longer works for
25 you; is that correct?

1 A. Yes.

2 Q. Was it ever mentioned around the shop
3 that Star Cornett was sleeping with Kristopher
4 Cooper?

5 A. No.

6 Q. You never heard that rumor?

7 A. No.

8 Q. Did Kristopher Cooper's wife ever show
9 up at the shop accusing Star of sleeping with
10 Kristopher Cooper?

11 A. No.

12 Can I add to that, or no?

13 Q. Please do.

14 A. She -- Kris Cooper's ex-wife showed up
15 at the shop wondering where those two were.

16 Q. Do you know why she would wonder where
17 those two were?

18 A. No.

19 MR. THOMPSON: Objection to form,
20 speculation.

21 BY MR. KELLER:

22 Q. So going back to your experience, how
23 much -- if you were going to compare your
24 experience to Dale Hobby's, do you believe you
25 had more equipment operating experience than

1 Dale Hobby?

2 A. Yes.

3 Q. What makes you believe that you had more
4 equipment operating experience than Dale Hobby?

5 A. Just work history that I got.

6 Q. You don't know what Dale Hobby's work
7 history is, do you?

8 A. No.

9 Q. Do you believe you have more experience
10 than Ron Nieters?

11 A. No.

12 Q. Do you believe Ron Nieters was a
13 competent knowledgeable foreman?

14 A. Yes.

15 Q. Do you believe he knew how to operate
16 equipment?

17 A. Yes.

18 Q. Do you believe he was a good evaluator
19 of equipment operator skills?

20 MR. THOMPSON: Objection to form,
21 foundation. Go ahead and answer, if you can.

22 THE WITNESS: Yes.

23 BY MR. KELLER:

24 Q. Why do you believe that he was a good
25 evaluator of skills?

1 A. Just because of his experience of being
2 around it.

3 Q. Did you work with Cindy Stewart?

4 A. Yes.

5 Q. How long did you work with Cindy
6 Stewart?

7 A. I think 15 years.

8 Q. That was at the Powell shop?

9 A. Yes.

10 Q. Did you work with her anywhere prior to
11 Road & Bridge?

12 A. No.

13 Q. What was your opinion of Cindy Stewart's
14 qualifications as an equipment operator?

15 A. Not real great.

16 Q. Why?

17 A. She -- because she was -- pretty much
18 wanted to just drive trucks and run a loader and
19 she was very proficient at both of those. But
20 the years that she put in with the county, she
21 never really showed me that she wanted to exceed
22 further than that.

23 Q. Did you ever call Cindy Stewart
24 derogatory names?

25 A. No.

1 Q. You never called her "cuntswaylow"(ph)?

2 A. No.

3 Q. When you became foreman, did you
4 separate her from the rest of the crew and put
5 her on equipment all by herself?

6 A. No.

7 Q. Did you ever mention to her that women
8 shouldn't be on equipment?

9 A. No.

10 Q. Was she already working on the Powell
11 crew when you started?

12 A. Cindy?

13 Q. Yes.

14 A. Yes.

15 Q. Do you recall how many years she'd
16 already been operating equipment when you were
17 hired?

18 A. No.

19 Q. Do you recall Larry Nielson putting her
20 in to be promoted -- not her, but let me back
21 up.

22 Do you recall if you made Equipment
23 Operator II prior to Cindy Stewart?

24 A. No.

25 Q. You don't recall Cindy Stewart going to

1 the county commissioners and making a complaint
2 regarding you being promoted to Equipment
3 Operator II before she made Equipment Operator
4 II?

5 A. No.

6 Q. Do you recall an equipment damage to a
7 truck that was blamed on Cindy Stewart about
8 eight years ago?

9 A. No.

10 Q. Do you recall trying to blame the
11 equipment damage on Cindy Stewart?

12 MR. THOMPSON: Objection to form.
13 Answer, he doesn't recall.

14 BY MR. KELLER:

15 Q. Go ahead and answer.

16 A. No.

17 Q. Do you ever recall any equipment damage
18 being blamed on Cindy Stewart?

19 A. No.

20 Q. So in your opinion, was Cindy Stewart as
21 good of an equipment operator as, say, Tim
22 Morrison?

23 A. No.

24 Q. Why?

25 A. Because I have seen what Tim can do and

1 different equipment, I have watched her doing.

2 Q. Do you believe she was as good of an
3 equipment operator as Arthur Briggs?

4 A. No.

5 Q. Why?

6 A. Again, just because of the advancements
7 that they did to run equipment.

8 Q. Do you know how many years Cindy Stewart
9 worked for Road & Bridge before -- by the time
10 she retired?

11 A. I think she had 23 years in.

12 Q. So that would be 23 years of equipment
13 operating experience?

14 A. No. No, that ain't.

15 Q. No, she didn't operate equipment for
16 23 years?

17 A. No.

18 Q. What did she do for those 23 years?

19 A. Equipment is for Park County. She drove
20 trucks. She rode a loader, a mower.

21 Q. Is that the only equipment you would
22 allow her to run when you became foreman?

23 A. No.

24 Q. What other equipment would you have
25 allowed her to run?

1 A. She could have run the motor graders,
2 the chipper, distributor, but I was never asked
3 if she could or wanted to.

4 Q. As far as her skill level within the
5 Road & Bridge department, do you know if she had
6 a reputation for being a skilled equipment
7 operator?

8 A. No.

9 Q. No, you don't know, or no, she did not?

10 A. No, I don't know.

11 Q. When you became foreman, was that the
12 same time you became Starkie Cornett's
13 supervisor?

14 A. Yes.

15 Q. When you became foreman, did she have
16 the skills to be an Equipment Operator II?

17 A. No.

18 Q. Why do you say that?

19 A. Because she told me what her experience
20 was then.

21 Q. Did she tell you she -- Ron Nieters had
22 already been training her on the motor grader?

23 A. No.

24 Q. Did Dale Hobby ever -- well, we already
25 asked that question.

1 Did Dale Hobby ever mention to you that
2 he believed she had the skills of Equipment
3 Operator II?

4 A. No.

5 Q. Would you have disagreed with him?

6 A. Yes.

7 Q. Based on what?

8 A. She --

9 MR. THOMPSON: Objection, asked and
10 answered.

11 BY MR. KELLER:

12 Q. Go ahead and answer.

13 A. She had no experience.

14 Q. So if Ron Nieters had told you that he
15 believed that she had the skills to be an
16 Equipment Operator II, would you have disagreed
17 with him?

18 MR. THOMPSON: Objection to form, calls
19 for speculation. Incomplete hypothetical,
20 foundation. Go ahead and answer, if you can.

21 THE WITNESS: Yes.

22 BY MR. KELLER:

23 Q. Yes, you would have disagreed with him?

24 A. For Operator II, yes.

25 Q. Do you know how long Ron Nieters had

1 supervised Star Cornett?

2 A. No.

3 Q. Do you know when she was first started
4 working for Ron Nieters?

5 A. I know she was a part-time, no.

6 Q. So if you don't know those, how do
7 you -- when she started, and how do you know she
8 didn't have experience?

9 MR. THOMPSON: Objection to form, asked
10 and answered. Go ahead and answer, if you can.

11 THE WITNESS: I don't know.

12 BY MR. KELLER:

13 Q. Do you have standard tests for equipment
14 operators on equipment to prove their
15 proficiency?

16 A. No.

17 Q. Did you ever test Star on any equipment?

18 A. Can you explain that to me? What test?

19 Q. Did you ever put Star in equipment to
20 see if she could actually operate the equipment
21 or not?

22 A. Yes.

23 Q. What piece of equipment?

24 A. The broom, the road broom, the Boeing
25 tractor, she run the motor grader for like two

1 weeks. A roller.

2 Q. Was someone else training Star Cornett
3 on the motor grader as well?

4 A. Rowdi. She went with Rowdi Briggs. She
5 was in a grader and he was in another grader.

6 Q. Did Rowdi Briggs tell you what his
7 opinion of her operating skill level was?

8 A. Yes.

9 Q. And what was his opinion as to her skill
10 level?

11 A. If she could stay focused on her job,
12 she would probably do all right, but if she
13 continued grading the way she was grading with
14 him, probably wouldn't work out for her.

15 Q. You believe that is what Rowdi is going
16 to testify to?

17 A. Yes.

18 MR. THOMPSON: Objection to form,
19 speculation.

20 BY MR. KELLER:

21 Q. I am going to ask you, so before
22 depositions today, what did you do to prepare
23 for depositions?

24 A. Looked over some notes that I had.

25 Q. Did you get together with any of the

1 crew members before depositions?

2 A. To talk about this?

3 Q. Yes.

4 A. Yes.

5 Q. In those conversations, did you mention
6 at all that you all needed to get your stories
7 straight?

8 A. No.

9 Q. What did you talk about?

10 A. This process that we're going through
11 because none of us have ever done this before.

12 Q. So if you're competent Rowdi Briggs is
13 going to have the same story as you, as far as
14 Star's skill level, what she had told you, how
15 do you know that is what he is going to testify
16 to?

17 MR. THOMPSON: Objection to form.

18 THE WITNESS: I am not sure.

19 BY MR. KELLER:

20 Q. Not sure as in you didn't understand the
21 question, or not sure as in?

22 A. I am not sure that is what he is going
23 to say.

24 Q. Okay.

25 A. I don't know what his answer will be.

1 Q. So getting back to Star's experience
2 levels, when you were -- first became foreman,
3 it's correct to say she was an equipment
4 Operator I?

5 A. Yep, very new at it.

6 Q. When did she advance to Equipment
7 Operator II?

8 A. Not sure.

9 Q. Was it after she complained?

10 MR. THOMPSON: Objection to form, vague.

11 THE WITNESS: Not sure.

12 BY MR. KELLER:

13 Q. I am going to rephrase that, for the
14 record.

15 Was Star Cornett's advancement to
16 Equipment Operator II after she made her
17 complaint?

18 MR. THOMPSON: Objection to form.

19 BY MR. KELLER:

20 Q. Go ahead and answer.

21 A. I am not sure.

22 Q. Do you know how long Starkie Cornett had
23 been working for Park County Road & Bridge
24 before she was advanced to Equipment Operator
25 II?

1 A. I am not sure.

2 Q. When, before you became foreman, was
3 there a pass over between you and Dale Hobby as
4 to how the shop operated and ran?

5 MR. THOMPSON: I got to object as to
6 form of the question. Go ahead and answer, if
7 you understand it.

8 THE WITNESS: I don't understand it.

9 BY MR. KELLER:

10 Q. Okay. So when you knew Dale Hobby was
11 retiring, did you know you were going to become
12 foreman before he actually retired?

13 A. No.

14 Q. So you didn't know that he -- you didn't
15 know that you were going to be foreman until
16 after he was gone?

17 A. I didn't know until I was interviewed
18 for the position.

19 Q. Was that after Dale Hobby had left?

20 A. Yes.

21 Q. Okay.

22 Were you the assistant foreman before
23 Dale Hobby left?

24 A. Yes.

25 Q. As the assistant foreman, did he discuss

1 with you employee evaluations?

2 A. No.

3 Q. Did he discuss with you different skill
4 levels of employees and what jobs they could do?

5 A. No.

6 Q. Did he discuss with you equipment
7 that -- the different equipment that he put each
8 operator on for work?

9 A. No.

10 Q. Was it your job as the assistant foreman
11 to know what equipment each operator was put on?

12 A. Yes.

13 Q. If Dale Hobby was not telling you what
14 equipment each operator was on while you were
15 assistant foreman, how did you know?

16 A. How did I know?

17 Q. Yes?

18 A. Because we got a very small crew and
19 there is not a big change in who's running what.
20 It is pretty much a daily thing of you got your
21 grader operators. You got your truck drivers.
22 I am trying to explain that to you that it isn't
23 where one day I am running a grader. The next
24 day I am driving a truck, you know. We've each
25 got our first A positions and you stick with it.

1 Q. So if Dale Hobby had been putting Star
2 Cornett on different pieces of equipment to
3 evaluate her, would you have known?

4 A. Yes.

5 Q. Do you know if Dale Hobby evaluated her
6 on different equipment?

7 MR. THOMPSON: Objection to form, asked
8 and answered.

9 THE WITNESS: I did not. I never seen
10 it do it.

11 BY MR. KELLER:

12 Q. We have no documentation of that?

13 A. None of us -- I never seen it.

14 Q. You document training of your -- all the
15 other equipment operators?

16 A. No.

17 Q. So why would there be documentation of
18 Star's training if the other equipment operators
19 aren't documented?

20 A. With Dale, there was no documentation.
21 If you're asking me if he trained her, I have no
22 record of it. I didn't physically see it. I
23 didn't see it on documentation or anything.

24 Q. Is their documentation of observation of
25 any other equipment operators and their skill

1 levels?

2 A. No, not that I know of.

3 Q. Did you personally train Starkie Cornett
4 on any equipment?

5 A. I spent some time with her on the mower
6 to get her started on the mower, just to give
7 her some quick tips on that.

8 Q. Does the Cody shop have a mower?

9 A. Yes.

10 Q. Is that mower different than the one
11 from Powell County?

12 MR. THOMPSON: In the City of Powell?

13 MR. KELLER: Sorry.

14 BY MR. KELLER:

15 Q. City of Powell, correct.

16 A. Is it different from the one at the City
17 of Powell? I don't know if the City of Powell
18 has a mower.

19 Q. Well, let me rephrase it.

20 Powell shop, is it different?

21 A. They're both John Deere. They're both
22 Tiger Mowers. The only thing that might be a
23 little bit different, and I'm not sure about
24 this, is just the way the controls are, but the
25 functions of them, they're the same.

1 Q. Do you know if Starkie Cornett had been
2 running the mower in the Cody shop?

3 A. Yes.

4 Q. Yes, you know, or yes, she has been?

5 A. Yes, she has.

6 Q. Did you have other more experienced
7 hands train Starkie Cornett on other equipment?

8 A. Did I?

9 Q. Yeah, did you instruct anybody to train
10 Starkie Cornett on other equipment?

11 A. Yes.

12 Q. Who was that?

13 A. Kris Cooper with the dozer.

14 Q. When did you have Kris Cooper train
15 Starkie Cornett on the dozer?

16 A. Well, she was -- it was on a Friday, I
17 know. They both asked to come in to train on
18 that. It wasn't much.

19 Q. Where did this training occur?

20 A. At the Powell Road & Bridge shop.

21 Q. In the yard?

22 A. Yes.

23 Q. Was there any other training?

24 A. Nope.

25 Q. So I want to talk a little bit about

1 some of your other people here.

2 So Tim Morrison, who recommended Tim
3 Morrison for hire?

4 A. Brian Edwards.

5 Q. How do you know Brian Edwards
6 recommended him for hire?

7 A. He recommended him to me.

8 Q. Did you get to see his application?

9 A. Yes.

10 Q. And on his application, do you recall
11 what he had put on there for experience?

12 A. Yeah, several years of construction
13 experience.

14 Q. What type of construction?

15 A. Paving was one, and then he worked for a
16 couple different cities, one in Colorado and the
17 City of Cody.

18 Q. Do you recall what pay grade he was
19 hired at?

20 A. No.

21 Q. Who makes that decision?

22 A. That's between the two supervisors. We
23 talk about that with Mr. Edwards, Brian Edwards,
24 but it all boils down to commissioners make the
25 decision.

1 Q. Do you know if there was an open
2 budgeted position at the time he was hired?

3 A. I don't. I don't know.

4 Q. Does every hire in advancement go before
5 the commissioners?

6 A. Yes.

7 Q. Do you know if that is policy?

8 A. I don't know.

9 Q. Do you know if that is in your Employee
10 Policy Manual?

11 A. I think it is.

12 Q. Are you familiar with your Employee
13 Policy Manual?

14 A. Some of it.

15 Q. Are you -- what do you mean by "some of
16 it"?

17 A. Not all of it. Some of it. If I'm
18 having a --

19 Q. If you have questions about the Employee
20 Policy Manual, who do you call?

21 A. Usually Brian Edwards.

22 Q. I am going to get back to Tim Morrison.
23 We kind of went down a rabbit hole there, so
24 anyways, when you brought him on, did you test
25 him on any equipment?

1 A. No. We don't test.

2 Q. Did he require any equipment training
3 after being hired?

4 A. No.

5 Q. Was he given any training after he was
6 hired?

7 A. Yes.

8 Q. What was he trained on?

9 A. He was given tips by Chris Carter, that
10 was assistant supervisor, just different tips on
11 grading a road.

12 Q. Was he the only one?

13 MR. THOMPSON: Objection to form, vague.

14 BY MR. KELLER:

15 Q. Was Chris Carter the only person that
16 was out giving tips to Tim Morrison?

17 MR. THOMPSON: Objection to form,
18 speculation, foundation. Go ahead and answer,
19 if you can.

20 THE WITNESS: Can you repeat that
21 question for me?

22 BY MR. KELLER:

23 Q. Yes. You said that Chris Carter had
24 been out giving tips on how to run the grader to
25 Tim Morrison. Were there other employees that

1 you had go out to give tips to Tim Morrison on
2 how to run the grader?

3 A. No.

4 Q. Was Kristopher Cooper ever sent out to
5 help train Tim Morrison?

6 A. No.

7 Q. As the foreman, do you keep track of the
8 accidents your employees have in equipment?

9 A. Yes.

10 Q. How many accidents has Tim Morrison had?

11 A. One that I know of.

12 Q. Can you give the details of the
13 accident, and by "details," I mean, what
14 happened, when and where?

15 A. It happened in the Powell Road & Bridge
16 yard. He was plowing snow with his motor grader
17 and has a front end blade on it, and he
18 accidently bumped into the fender of a watering
19 truck, and let me know about it immediately.

20 Q. Did that make it into his employee file?

21 A. No.

22 Q. Well, what I have here is we have
23 labeled these exhibits previously.

24 MS. OATSVALL: Do you want me to screen
25 share those for you?

1 MR. KELLER: Yes, if you could please.

2 We are looking at Exhibit 15, Bate stamped 2017
3 and 2018.

4 BY MR. KELLER:

5 Q. Delray, have you seen these photographs
6 before?

7 A. Yes.

8 Q. Do you know what's in these photographs?

9 MR. THOMPSON: For the record, we're
10 looking at currently at 2017 and 2018.

11 BY MR. KELLER:

12 Q. Let me know when you're done looking at
13 them.

14 A. I'm done.

15 Q. Can you tell me -- do you know what is
16 in the photographs?

17 A. Yes.

18 Q. Can you tell me or describe what you're
19 seeing?

20 A. I know exactly what happened there. I
21 can describe it to you. Tim Morrison was
22 running this grader and the bank gave way on him
23 on the water's edge there.

24 Q. Okay. And when did this occur?

25 A. 19, it looks like the date on it that I

1 am reading.

2 Q. Do you recall if there is any equipment
3 damage?

4 A. None.

5 Q. What is the grader number?

6 A. I don't know.

7 Q. Do you know if there would be
8 maintenance records or repair records regarding
9 this grader?

10 A. Yes.

11 Q. They would be kept all the way back to
12 2019?

13 A. Yes.

14 Q. I am going to have you look at
15 Exhibit 16, and it's Bates number 4001. Can you
16 describe for the record what you're looking at,
17 Paco?

18 A. Yep. Tim was driving this truck. They
19 were working over in Clark on the Road 7RP and
20 the shoulder was real soft on that leaning side
21 of the truck. He got over on the soft shoulder
22 and it pulled him off into it.

23 Q. Was there any equipment damage to this
24 truck?

25 A. Yes.

1 Q. Did this make it into Tim Morrison's
2 record at all?

3 A. No, because the damage wasn't caused by
4 Tim.

5 Q. Would it have been caused had he not
6 gotten too close to the shoulder of the road?

7 MR. THOMPSON: Objection to form,
8 speculation, foundation.

9 BY MR. KELLER:

10 Q. Would the accident have occurred --
11 well, let me back up.

12 You said that the shoulder gave way on
13 the road?

14 A. Yes. It was soft shoulder.

15 Q. Is that because he got too close to the
16 shoulder of the road?

17 MR. THOMPSON: Objection to form,
18 speculation.

19 BY MR. KELLER:

20 Q. Go ahead and answer.

21 A. Yes, he went off the road because of the
22 soft shoulder.

23 Q. So I have here exhibit, it's Bates
24 number 4008, and it was in my exhibits I sent
25 over out of seven. It's Bates number 4008.

1 What I have here, Delray, then you look at the
2 bottom-right corner, there is a number that's
3 what I call Bates 4008, and I believe this would
4 be Exhibit 18.

5 Paco, can you describe what you're
6 looking at in this exhibit?

7 A. Yes, front bumper off of a truck.

8 Q. And it's laying on the ground?

9 A. It's in our shop, sitting on the floor
10 in our shop. It was taken off of the truck.

11 Q. Does it appear as if it's damaged?

12 A. Yes.

13 Q. Can you describe the damage?

14 A. It's bent.

15 Q. How did this damage occur?

16 A. Kenny Marchant was backing in to a hot
17 mix plant here in Cody, and he hooked the bumper
18 on a concrete barricade.

19 Q. Did this damage end up in his personnel
20 record?

21 A. Nope.

22 Q. I am going to ask you some questions
23 here about Mr. Briggs. Do you know who
24 recommended Arthur Briggs?

25 A. To hire?

1 Q. Yep, for hire.

2 A. I did.

3 Q. Did you know Arthur Briggs prior to him
4 being hired?

5 A. Yes.

6 Q. What was his experience before being
7 hired?

8 A. Mostly farming, running tractors, big
9 tractors, driving trucks, hired on with a CDL to
10 drive trucks.

11 Q. Do you recall what experience level he
12 was hired at?

13 A. Operator I.

14 Q. Was he given training while he was at
15 the -- when he started working for Road &
16 Bridge?

17 A. If any, it was just tips on how to do
18 stuff, you know what, I wish I could explain
19 that better. You know, um -- just tips on how
20 to we do stuff.

21 Q. You're saying he knew how to run all the
22 equipment when he hired on?

23 A. Not all of it.

24 Q. So what equipment did he need to get
25 tips on for operation?

1 A. The grader.

2 Q. Who showed him the tips on how to run
3 the grader?

4 A. I'd given him some, and Chris Carter had
5 given him some, and Kris Cooper gave him some.

6 Q. So those tips for running the grader,
7 would that equate to training?

8 A. Yes.

9 Q. Was there other equipment that -- well,
10 let me back up.

11 When did this training occur?

12 A. I don't know.

13 Q. Was it still while he was an equipment
14 Operator I?

15 A. I don't think so, no.

16 Q. Was there other equipment where Arthur
17 Briggs needed tips or training on that are used
18 in the Powell Road & Bridge shop?

19 A. No.

20 Q. So your testimony, is it that Arthur
21 Briggs knew how to run all the equipment in the
22 Powell Road & Bridge shop other than the grader
23 when he was hired on?

24 MR. THOMPSON: Objection to form,
25 misstates his testimony.

1 THE WITNESS: No, he did not know how to
2 run all of the equipment.

3 BY MR. KELLER:

4 Q. What equipment did he need to be trained
5 on?

6 A. The grader.

7 Q. Other than the grader, was there any
8 equipment in the shop that he needed training
9 on?

10 A. Yes.

11 Q. What equipment was that?

12 A. That would be the -- our oil distributor
13 and our chipper that he doesn't run.

14 Q. So prior to Arthur Briggs being hired,
15 do you know if he had ran a dozer?

16 A. No.

17 Q. You don't know, or he hadn't?

18 A. I don't know if he had or not.

19 Q. What about an excavator?

20 A. I don't know.

21 Q. Water truck?

22 A. He had lots of experience in that.

23 Q. Water trucks or just driving trucks?

24 A. Driving trucks.

25 Q. What about the water truck?

1 A. He didn't -- you still asking me what he
2 needed -- if he was trained?

3 Q. No, I am asking if you knew if he had
4 experience running a water truck prior to being
5 hired?

6 A. Yes.

7 Q. So yes, he had ran a water truck prior
8 to being hired?

9 A. A truck similar to it, a vac truck,
10 water truck, tanker truck.

11 Q. What about a -- I keep hearing this word
12 "broom," that he ran a -- well, let's -- I keep
13 hearing the word, can you describe what a broom
14 is for us?

15 A. Yep. So it's a road broom, and it's
16 made for sweeping, like road surfaces.

17 Q. Had he operated a road broom before
18 being hired on?

19 A. I don't know.

20 Q. In regards to his -- Arthur Briggs, his
21 time with Road & Bridge, did he have any
22 accidents?

23 A. No.

24 Q. Has Arthur Briggs been disciplined at
25 all?

1 A. No.

2 MR. KELLER: Tom, I think this is a good
3 spot for us to take a break.

4 MR. THOMPSON: Yeah, we have been going
5 about an hour and 15.

6 (A recess was taken from 10:13 a.m.
7 until 10:22 a.m.)

8 BY MR. KELLER:

9 Q. Back on the record. Paco, I just want
10 to remind you that you are still under oath. I
11 am going to bring up one thing here, and it's
12 not on you, some of it's on me. Just to let you
13 know, if there is a question that you don't
14 understand because I do ask dumb questions, just
15 please say, I have no idea what you're talking
16 about. However you want to phrase it, just tell
17 me to rephrase the question, okay?

18 A. Okay.

19 Q. There is absolutely nothing wrong with
20 doing that. So I am going to talk to you a
21 little bit here -- a little bit about
22 advancement decisions. Who makes the
23 recommendations for advancement?

24 A. That's a number of people.

25 Q. In your experience, who typically makes

1 the recommendations for advancement?

2 A. The supervisor and assistant supervisor.

3 Q. If the assistant supervisor makes a
4 recommendation, does that go to you first?

5 A. Should.

6 Q. Who's your assistant supervisor?

7 A. Rowdi Briggs.

8 Q. And where does the -- where does the
9 recommendation go to or who?

10 A. We bring that to Brian Edwards.

11 Q. Do you know if Rowdi Briggs has made a
12 recommendation without your input to Brian
13 Edwards?

14 A. No.

15 Q. No, you don't know, or do you know --

16 A. I don't know.

17 Q. Is there a standard for -- a standard
18 requirement for employee as far as experience
19 and skill level to make advancement?

20 A. A written standard, no.

21 Q. Did you make the recommendations for
22 advancement to Tim Morrison?

23 A. Excuse me, I didn't catch that.

24 Q. Are you the one who made the
25 recommendations for advancing Tim Morrison?

1 A. I don't think he has made an
2 advancement.

3 Q. Did he automatically start out as an
4 Operator III or II?

5 A. Operator III.

6 Q. Whose recommendation was it that he be
7 hired as an Operator III?

8 A. I don't know.

9 Q. Did you make that recommendation?

10 A. No.

11 Q. Okay. Arthur Briggs, did you make a
12 recommendation for his advancement?

13 A. Yes.

14 Q. Based on what?

15 A. His improvements of what he is doing,
16 the jobs that he was doing. He was improving.

17 Q. Can you -- now you're saying by
18 improvements on the job, can you elaborate what
19 you mean by improvements?

20 A. Yes.

21 Q. Go ahead.

22 A. Okay. Just in time of doing a better
23 job of grading roads, in time of doing -- just
24 running his equipment, Rowdi is a likable guy on
25 the crew.

1 I think there's probably some people on
2 the crew that don't have a lot of respect for
3 him and some of the decisions that he has made
4 and whatnot, but overall Rowdi is a likable guy
5 on the crew. I have never had any troubles with
6 him. I can call Rowdi at midnight and need him
7 to go out, you know, if we have an emergency.
8 He just has improved a bunch.

9 Q. I think I may have asked this. I just
10 can't remember, but is he your second in charge?

11 A. Yes. He is assistant supervisor.

12 Q. When did he become the assistant
13 supervisor?

14 A. After Chris Carter left, retired.

15 Q. Do you recall when?

16 A. Chris Carter was my assistant
17 supervisor. He retired and then Rowdi took his
18 position.

19 Q. Do you recall about when that happened?

20 A. No.

21 Q. Had Rowdi Briggs ever stated to you that
22 Starkie Cornett should be advanced to Equipment
23 Operator II?

24 A. No.

25 Q. Had any of the other operators within

1 the Powell shop made that recommendation to you?

2 A. No.

3 Q. Does Kelly Triplett work for you?

4 A. Excuse me?

5 Q. Kelly Triplett, does he work for you?

6 A. Yes.

7 Q. Has Kelly Triplett ever told you that
8 she had the skills to be an Equipment Operator
9 II before she was advanced?

10 A. No.

11 Q. Did Star ever ask you to run the
12 distributor?

13 A. I think, yes.

14 Q. And was she ever trained on the
15 distributor?

16 A. No.

17 Q. Did she ever ask to be trained on, or to
18 run any other equipment besides the distributor?

19 A. The motor grader.

20 Q. Only the motor grader?

21 A. Yes.

22 Q. Did Star ever ask what she needed to do
23 to become an Operator II before she was finally
24 advanced?

25 A. No.

1 Q. Did you ever tell Star that she wouldn't
2 like running any piece of equipment because it
3 was too dirty and too hot, she wouldn't like it?

4 A. No.

5 Q. Can you explain to me what comp time is?

6 A. Comp time, so if the members on my crew
7 work over the 40 hours given week, they have a
8 choice to either use comp time or get paid
9 overtime for that, and they can bank up to
10 40 hours of comp time. And with comp time, they
11 can use that then for vacation or -- I think
12 just vacation.

13 Q. Typically, how do employees get
14 additional hours, more than 40 hours a week?

15 A. Typically, it's just in snow removal.

16 Q. Are there other instances where people
17 are needed to come in for overtime?

18 A. Yes, if we -- you know, if there is an
19 emergency, a tree falls down across the roadway,
20 just an emergency situation.

21 Q. As part of Road & Bridge, you're tasked
22 with doing special projects?

23 MR. THOMPSON: Objection to form, vague.

24 BY MR. KELLER:

25 Q. Besides regular maintenance, sir, is

1 Road & Bridge tasked with doing special
2 projects? I am going to give you an example,
3 like putting in a road, new culverts or bridges
4 or anything like that as such?

5 A. Yes.

6 Q. Due to scheduling, are people required
7 to come in on for overtime for the special
8 projects?

9 A. They're not required. There's times
10 that I have asked.

11 Q. Had Star asked for -- to be one of those
12 people that work overtime?

13 A. Early on, yes.

14 Q. Was she allowed to work overtime?

15 A. No.

16 Q. Why not?

17 A. Because at the time, she had a lot of
18 things going on. Her son was just in an
19 accident. She had gone through a major surgery.
20 I didn't feel that she had a lot of experience
21 to let her go on herself on a Friday, Saturday.
22 Just being her supervisor, I didn't feel good
23 about it, so I didn't let it happen.

24 Q. Were there other employees that told you
25 they believed that Star had the experience to

1 work on Fridays alone?

2 A. No.

3 Q. No other -- so no other -- I want to
4 rephrase that because I am a little confused.

5 Were there other employees that stated
6 to you that she could work alone?

7 A. No.

8 MR. KELLER: One second, Tom. I think I
9 am about done here.

10 MR. THOMPSON: Want to take a quick
11 break?

12 MR. KELLER: Yeah, I just want to go
13 back through my notes and double check. I think
14 I'm about done.

15 MR. THOMPSON: Okay.

16 (A recess was taken from 10:39 a.m.
17 until 10:41 a.m.)

18 BY MR. KELLER:

19 Q. Getting back to the overtime on
20 weekends, do you know if Star had been working
21 by herself on the weekends in Cody?

22 A. No, I don't know.

23 Q. During the regular week, was Star put
24 off by herself to run tasks by herself?

25 A. Yes, because like mowing, sweeping, that

1 doesn't take two people to operate that piece of
2 equipment. She would be by herself.

3 Q. Have there been other crew members that
4 have complained about Star's lack of ability to
5 do work?

6 A. No.

7 Q. I am going to ask you a little bit about
8 nicknames. It seems like I keep hearing all
9 these different names. It takes me awhile to
10 figure out who anybody is talking about. So how
11 do crew members get their nicknames?

12 A. How do --

13 Q. Yeah, everybody has a nickname. Is that
14 something that you -- that is given to you while
15 you're working at the shop?

16 A. I don't know of any nicknames that
17 people have.

18 Q. Well, I mean, you're called by Paco,
19 right?

20 A. Yes.

21 Q. Arthur Briggs, his name is -- everybody
22 calls him Rowdi?

23 A. Yes.

24 Q. And I've heard Kelly Triplett, he is
25 called Snuff?

1 A. Yeah. That's nicknames that we have all
2 had for a long, long time.

3 Q. Okay. With Star, I mean, do you call
4 her Sweetie?

5 A. No.

6 Q. Okay. You never used that term when
7 talking with Star?

8 A. No.

9 MR. KELLER: That is all the questions I
10 have, Tom.

11 MR. THOMPSON: I just have a couple
12 follow-ups.

13 BY MR. THOMPSON:

14 Q. Paco, were you an Operator II and then
15 an Operator III?

16 A. Yes.

17 Q. How long did it take you to move from
18 Operator I to Operator II?

19 A. About seven years.

20 Q. How long from Operator II to Operator
21 III?

22 A. I'm not sure about the years. I'm not
23 sure.

24 Q. You had, I think tried to explain to us
25 how the day-to-day operations of the Powell shop

1 work, and as I understand it, people are
2 basically assigned to different equipment for
3 different seasons and they really don't rotate.
4 Is that accurate?

5 A. Yes.

6 Q. And so your crew for the winter plowing
7 season, everybody is assigned to a different
8 piece of equipment?

9 A. Yes.

10 Q. And same thing for the summertime, could
11 you describe how that works?

12 A. So in the summertime on our road
13 projects, we have got three belly dump trucks
14 and we have got four end dump trucks.

15 The belly dump trucks are used for
16 hauling material, pit run or gravel, when we're
17 rebuilding or putting maintenance to a roadway.

18 Then they will have a grader operator
19 there and a roller, and the crew, either the
20 grader operator at the end of the day does a
21 rolling, but most of the time somebody will kick
22 off of a truck and do the rolling operation.

23 We have two water trucks. I try to
24 assign a water truck in that. We have a
25 summertime or spring and a fall maintenance

1 grading program, and where all three of the
2 graders that go to different areas with
3 operators and they grade the roads for the
4 summertime.

5 We go, like, right now, we will be going
6 into the season of catching up with our
7 culverts, projects, stuff like that. We go into
8 the summer. We go into hot mix patching, which
9 involves truck drivers.

10 We haul our hot mix patch for a private
11 company that has a lay-down machine does that.
12 We have our own chip operation where we chip
13 seal the roadways. We use our own trucks, and
14 we have two distributors and one chip machine.

15 Q. You talked a little bit about whether or
16 not there were certain qualifications that
17 needed to be met from Operator I to Operator II
18 to Operator III. You use job descriptions for
19 those positions?

20 A. Yes.

21 Q. There is minimum qualifications in those
22 job positions, correct?

23 A. Correct.

24 Q. Is it fair to say that the real -- one
25 of the important or most important criteria to

1 move from Operator I to Operator II and Operator
2 II to Operator III is not just how many hours
3 you spend in a piece of equipment, but how
4 proficient you are in the operation of that
5 equipment?

6 A. True.

7 MR. THOMPSON: Thank you. I don't have
8 any further questions.

9 MR. KELLER: I have a real short
10 rebuttal here, Paco.

11 BY MR. KELLER:

12 Q. So you kind of understand what is going
13 on now. I get to ask just a little bit of --
14 elaborate on what the same questions
15 Mr. Thompson asked, so this won't take too long.

16 Just to understand a little bit on the
17 operation, you're saying equipment operators are
18 not moved around into different pieces of
19 equipment, if I am understanding you correctly?

20 A. Not on a fast pace. Every piece of
21 equipment that's run is during a daily basis is
22 important. It's just as important to be a truck
23 driver as it is to be a grader operator. It's
24 important to be able to proficiently load a load
25 of material onto a truck with a loader, you

1 know.

2 Q. But so getting back into that, how does
3 one gain the experience to run the different
4 equipment if you're not training them or moving
5 them on to a new piece of equipment?

6 A. I will use myself for an example there,
7 if you mind.

8 Q. Yes, please do.

9 A. Okay. I drove truck for Park County for
10 seven years before I advanced. And then by just
11 showing up every day to work and showing that I
12 had interest in it, and moved -- got myself
13 moved up to where I am at now.

14 Q. And -- but you say at the same time,
15 Mr. -- I am going to slaughter his name, Kenny
16 Marchant moved up pretty fast, didn't he?

17 A. Kenny Marchant, yes.

18 Q. And Arthur Briggs?

19 A. Yes.

20 Q. And, boy, I am drawing a blank there,
21 going back to your experience there. Would it
22 be that same opinion of other people that when
23 you were hired on that you were actually a
24 qualified truck driver?

25 A. Yes. I had a CDL, Class A license, when

1 I hired on. Still do to this day.

2 Q. Is there any truth to the fact that when
3 you hired on, you couldn't even drive the truck
4 out of the parking lot?

5 A. That's not true.

6 MR. KELLER: I don't have any further
7 questions, Tom.

8 MR. THOMPSON: We will go ahead and read
9 and sign.

10 (At 10:52 a.m. the matter was completed)

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WITNESS' SIGNATURE/CORRECTION PAGE

3

4

If there are any typographical errors to your

5

Deposition, please indicate them below.

6

7

PAGE/LINE

8

_____ Change to _____

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12

Any other changes to your Deposition are to be
 listed below with a statement as to the reason
 for such change.

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PAGE/LINE

CORRECTION

REASON FOR CHANGE

15

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I, DELRAY JONES, do hereby certify that I
 have read the foregoing pages of my testimony as
 transcribed, and that the same is a true and
 correct record of the testimony given by me in
 this Deposition on March 14, 2024, except for
 the changes made.

23

24

Date Signed_____
DELRAY JONES

25

1
2
3 CERTIFICATE4
5 I, Barbara Morgenweck, Registered
6 Professional Reporter, and Certified Court
7 Reporter, do hereby certify that prior to the
8 commencement of the examination the Deponent was
9 duly sworn by me to testify to the truth, the
10 whole truth and nothing but the truth.11 I DO FURTHER CERTIFY that the foregoing is
12 a verbatim transcript of the testimony as taken
13 stenographically by me at the time, place and on
14 the date hereinbefore set forth, to the best of
15 my ability.16 I DO FURTHER CERTIFY that I am neither a
17 relative nor employee nor attorney nor counsel
18 of any of the parties to this action, and that I
19 am neither a relative nor employee of such
20 attorney or counsel, and that I am not
21 financially interested in the action.22 Dated this 4th Day of April, 2024.
23
24
2526
27 *Barbara Morgenweck*28
29 -----
30 Barbara Morgenweck
31 COURT REPORTER
32 Registered Professional Reporter
33 Certified Court Reporter NM # 526
34 Notary Public
35

Exhibit 4:

Kristopher Cooper Deposition Transcript

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14 DEPOSITION OF KRISTOFER P. COOPER

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 AT CODY, WYOMING

17 APRIL 23, 2024 AT 3:55 P.M.

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REPORTED BY:

23

JOAN F. MARSHALL, C.S.R.

24 Notary Public

25

Two Sisters Reporting Service
(307) 438-1629

<p style="text-align: right;">2</p> <p style="text-align: center;"><u>A P P E A R A N C E S</u></p> <p>MR. MARSHALL E. KELLER, Attorney at Law, of the Keller Law Firm, P.C., P.O. Box 111, Thermopolis, Wyoming 82443, appearing for and on behalf of the Plaintiff.</p> <p>MR. THOMAS A. THOMPSON, Attorney at Law, of the Wyoming Local Government Liability Pool, 6844 Yellowtail Road, Cheyenne, Wyoming 82009, appearing for and on behalf of the Defendants.</p> <p>Also present: Starkie J. Cornett and Brian Edwards.</p>	<p style="text-align: right;">4</p> <p>THE DEPOSITION OF KRISTOFER P. COOPER was taken on behalf of the Plaintiff on this, the 23rd day of April 2024, at the Park County Public Works Conference Room, 2820 Highway 120 South, Cody, Wyoming, before Two Sisters Reporting Service, by Joan F. Marshall, Court Reporter and Notary Public within and for the State of Wyoming, to be used in an action pending in the United States District Court for the District of Wyoming, said cause being Cause No. 22-CV-00034 in said Court.</p> <p>AND THEREUPON, the following testimony was adduced, to wit:</p> <p style="text-align: center;"><u>KRISTOFER P. COOPER,</u></p> <p>having been first duly sworn to tell the truth, the whole truth and nothing but the truth relating to said cause, deposes and says:</p> <p style="text-align: center;"><u>EXAMINATION</u></p> <p><u>QUESTIONS BY MR. KELLER:</u></p> <p>Q. Mr. Cooper, can you state your name for the record.</p> <p>A. Kristofer Cooper.</p> <p>Q. Is there another name you prefer being called, or is Kristofer fine?</p> <p>A. Kristofer's fine.</p> <p>Q. And I'm the attorney representing -- one</p>								
<p style="text-align: right;">3</p> <p style="text-align: center;"><u>I N D E X</u></p> <table border="0"> <tr> <td><u>TESTIMONY OF KRISTOFER P. COOPER:</u></td> <td style="text-align: right;"><u>PAGE</u></td> </tr> <tr> <td>Examination by Mr. Keller</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Examination by Mr. Thompson</td> <td style="text-align: right;">29</td> </tr> <tr> <td>Further Examination by Mr. Keller</td> <td style="text-align: right;">49</td> </tr> </table> <p><u>DEPOSITION EXHIBITS:</u> (Previously marked) <u>REFERRED</u></p> <p>12 - 7/15/20 Park County Position Statement 18</p>	<u>TESTIMONY OF KRISTOFER P. COOPER:</u>	<u>PAGE</u>	Examination by Mr. Keller	4	Examination by Mr. Thompson	29	Further Examination by Mr. Keller	49	<p style="text-align: right;">5</p> <p>of the attorneys representing Ms. Cornett, and we have Mr. Tom Thompson here. Just to let you know, I'm going to ask you questions, and he's going to get a chance with his questions. And he represents Park County.</p> <p>A. Okay.</p> <p>Q. And you just took an oath. Do you understand what that oath means?</p> <p>A. Uh-huh.</p> <p>Q. And in your own words, what does that oath mean?</p> <p>A. That I'm not going to lie.</p> <p>Q. And you understand that if you are found to be lying under oath, that there's possible legal ramifications?</p> <p>A. Uh-huh.</p> <p>MR. THOMPSON: And, sir, you've got to give an audible response. An uh-huh or an huh-uh she won't be able to pick up as a yes or no.</p> <p>THE DEPONENT: Okay.</p> <p>BY MR. KELLER:</p> <p>Q. That was getting into my next set of discussions here. So there's some rules here for doing the depositions. The first one is it's an answer/question type forum. And I'll ask</p>
<u>TESTIMONY OF KRISTOFER P. COOPER:</u>	<u>PAGE</u>								
Examination by Mr. Keller	4								
Examination by Mr. Thompson	29								
Further Examination by Mr. Keller	49								

<p style="text-align: right;">6</p> <p>1 questions, and you just go ahead and give a pause</p> <p>2 and go ahead and answer, and it will be the same</p> <p>3 with Mr. Thompson. And do your best just to pause</p> <p>4 and wait and then answer. Otherwise, what ends up</p> <p>5 happening is we won't get a good record, and Joan</p> <p>6 will tell us to slow down.</p> <p>7 And the other is please give audible</p> <p>8 answers, yes, no; if you don't know, I don't know.</p> <p>9 Head nods and uh-huhs, the court reporter can't</p> <p>10 record.</p> <p>11 A. Okay.</p> <p>12 Q. And you worked for Park County Road &</p> <p>13 Bridge previously?</p> <p>14 A. Yes, I did.</p> <p>15 Q. And when did you start working for Park</p> <p>16 County Road & Bridge?</p> <p>17 A. 2005.</p> <p>18 Q. What was your -- well, previously to</p> <p>19 working for Park County Road & Bridge, what did you</p> <p>20 do?</p> <p>21 A. I was an equipment operator and truck</p> <p>22 driver for Harris Trucking. Prior to that, I</p> <p>23 worked for Nevada County Department of</p> <p>24 Transportation in Grass Valley, California.</p> <p>25 Q. And as far as equipment operator, what</p>	<p style="text-align: right;">8</p> <p>1 were an equipment operator 3 before you left</p> <p>2 Park --</p> <p>3 A. Yes.</p> <p>4 Q. And when you left Park County, was that</p> <p>5 voluntarily?</p> <p>6 A. No. I was asked to leave.</p> <p>7 Q. And what's your understanding of why you</p> <p>8 were asked to leave Park County?</p> <p>9 A. I still don't know.</p> <p>10 Q. Were you ever given a formal reason why</p> <p>11 in a letter?</p> <p>12 A. No.</p> <p>13 Q. A verbal reason why?</p> <p>14 A. Mr. Edwards and I had a meeting in his</p> <p>15 office, but I still don't have really any specific</p> <p>16 reason as to why.</p> <p>17 Q. When you worked for Park County Road &</p> <p>18 Bridge, did you work in the Powell shop?</p> <p>19 A. I worked in both shops. I started at</p> <p>20 Cody and transferred to Powell.</p> <p>21 Q. When did you transfer to Powell?</p> <p>22 A. 2010 maybe, somewhere around there.</p> <p>23 Q. And do you recall if you were equipment</p> <p>24 operator 2 when you transferred to Powell?</p> <p>25 A. I believe I was operator 3.</p>
<p style="text-align: right;">7</p> <p>1 kind of equipment did you operate before hiring on</p> <p>2 with Park County Road & Bridge?</p> <p>3 A. All kinds of equipment, loaders, dozers,</p> <p>4 backhoes, graders. Yeah, just about anything</p> <p>5 that's used in construction and road maintenance.</p> <p>6 Q. Did you already have your CDL when you</p> <p>7 hired on with Park County Road & Bridge?</p> <p>8 A. I had a class B, and I got my class A</p> <p>9 within six months after hiring on.</p> <p>10 Q. And how many years did you operate</p> <p>11 equipment before coming to Park County Road &</p> <p>12 Bridge?</p> <p>13 A. Since 1990.</p> <p>14 Q. And when you hired on with Park County</p> <p>15 Road & Bridge, do you recall what level, pay level,</p> <p>16 you were hired on?</p> <p>17 A. I started on at an entry level.</p> <p>18 Operator 1 I think it is.</p> <p>19 Q. Do you recall when you made equipment</p> <p>20 operator 2?</p> <p>21 A. I don't.</p> <p>22 Q. And what about when you made equipment</p> <p>23 operator 3?</p> <p>24 A. I don't remember the date.</p> <p>25 Q. Were you an equipment operator -- you</p>	<p style="text-align: right;">9</p> <p>1 Q. And as an equipment operator 3, did you</p> <p>2 help train other employees?</p> <p>3 A. Yeah.</p> <p>4 Q. Was there a process for training other</p> <p>5 employees, that you recall?</p> <p>6 A. No process. It was just help each other</p> <p>7 out and give others opportunities.</p> <p>8 Q. Would you observe other employees as they</p> <p>9 were working and then give them tips?</p> <p>10 A. Uh-huh, yes.</p> <p>11 Q. And what kinds of equipment did you train</p> <p>12 other employees on?</p> <p>13 A. Chip spreader, dozer, grader. Yeah, I</p> <p>14 didn't really run excavator a whole lot when I</p> <p>15 worked there, but driving truck, whatever.</p> <p>16 Q. When you're talking truck, would that</p> <p>17 include the end dump?</p> <p>18 A. End dumps, belly dumps, yeah, snowplows.</p> <p>19 Q. And did you say the dozer?</p> <p>20 A. Yeah.</p> <p>21 Q. Now, what about the mower tractor?</p> <p>22 A. I didn't really operate that very much.</p> <p>23 I was usually in a grader in the summertime.</p> <p>24 Q. Did you work with Del Ray Jones?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">10</p> <p>1 Q. How long did you know Del Ray Jones?</p> <p>2 A. As long as I worked at the County.</p> <p>3 Q. What was with your relationship like with</p> <p>4 Del Ray Jones?</p> <p>5 A. We had a good one for a long time. We'd</p> <p>6 go hunting and fishing and camping on weekends.</p> <p>7 Q. And did you apply for the foreman job</p> <p>8 when Dale Hobby left?</p> <p>9 A. Yes.</p> <p>10 Q. Were you angry with Del Ray Jones for</p> <p>11 becoming foreman?</p> <p>12 A. No. I was happy for him. I brought him</p> <p>13 doughnuts or something that day.</p> <p>14 Q. So any issues -- the issues that you may</p> <p>15 have had with Del Ray Jones, were they work</p> <p>16 related?</p> <p>17 A. Which issues?</p> <p>18 Q. Well, let me back up. Did you have a</p> <p>19 fight with Mr. Del Ray Jones?</p> <p>20 A. No.</p> <p>21 Q. Did you ever tell Del Ray Jones that he</p> <p>22 had ruined your life for making foreman?</p> <p>23 A. No. I told him that when he chose</p> <p>24 another person over me for a second in command and</p> <p>25 the fact that he totally turned away from me the</p>	<p style="text-align: right;">12</p> <p>1 him operate?</p> <p>2 A. That's really about it.</p> <p>3 Q. Did you observe him operating end dump</p> <p>4 trucks?</p> <p>5 A. Oh, yes, trucks.</p> <p>6 Q. And what about the grader?</p> <p>7 A. I don't think I've ever seen him in a</p> <p>8 grader.</p> <p>9 Q. Dozer?</p> <p>10 A. Yeah, I think he pushed up at the pit</p> <p>11 with the dozer. I think he was pretty good at</p> <p>12 that.</p> <p>13 Q. Mower?</p> <p>14 A. I don't remember ever seeing him run</p> <p>15 mower.</p> <p>16 Q. Roller?</p> <p>17 A. Yeah, he ran rollers.</p> <p>18 Q. How many years did you actually work with</p> <p>19 Del Ray Jones?</p> <p>20 A. In the same shop?</p> <p>21 Q. Yes.</p> <p>22 A. From, what, 2010 until whenever I left.</p> <p>23 Q. Did he ever damage equipment while you</p> <p>24 were --</p> <p>25 A. Oh, yeah.</p>
<p style="text-align: right;">11</p> <p>1 day I told him I was going to put in for Dale</p> <p>2 Hobby's position.</p> <p>3 Q. When it comes to -- let's get back to the</p> <p>4 equipment. When it comes to operating equipment,</p> <p>5 what do you consider a competent operator of</p> <p>6 equipment?</p> <p>7 A. Someone that's confident and can get in a</p> <p>8 piece of equipment and operate it proficiently.</p> <p>9 Q. And what do you mean by operate it</p> <p>10 proficiently?</p> <p>11 A. Be able to do whatever task is necessary.</p> <p>12 Q. And in regards to most of the equipment</p> <p>13 that you're required to operate in the Powell shop,</p> <p>14 did you believe that Del Ray Jones was a competent</p> <p>15 equipment operator?</p> <p>16 A. That's questionable.</p> <p>17 Q. And why do you say that's questionable?</p> <p>18 A. Because I didn't see him in equipment</p> <p>19 very often.</p> <p>20 Q. When you did see him in equipment, did he</p> <p>21 operate it proficiently?</p> <p>22 A. An excavator, yes. But he was hard on</p> <p>23 things, and you wanted to make sure you kept your</p> <p>24 distance.</p> <p>25 Q. What equipment did you actually observe</p>	<p style="text-align: right;">13</p> <p>1 Q. -- at the Powell shop?</p> <p>2 A. Yeah.</p> <p>3 Q. What equipment did he damage?</p> <p>4 A. That excavator, for one.</p> <p>5 Q. Do you recall when that happened?</p> <p>6 A. We were putting in a big culvert over in</p> <p>7 Deaver on Road 1 or something like that. I forget</p> <p>8 what road it was. Yeah, he just got down in one</p> <p>9 hole and just smashed the side out of it because he</p> <p>10 was in too deep of a ditch. He didn't realize he</p> <p>11 was smashing the side of it.</p> <p>12 Q. Was there other equipment that you'd</p> <p>13 observed him damaging?</p> <p>14 A. Things always happen in equipment.</p> <p>15 That's a tough one.</p> <p>16 Q. In regards to training in equipment, did</p> <p>17 you help train Star Cornett in any equipment?</p> <p>18 A. I gave her opportunities in it, yes.</p> <p>19 Q. And what equipment did you help train her</p> <p>20 in?</p> <p>21 A. A grader, dozer, I think excavator.</p> <p>22 Q. Where did you -- with the excavator,</p> <p>23 where did you give her an opportunity to work the</p> <p>24 excavator at?</p> <p>25 A. Digging out the pond at the shop, the</p>

<p style="text-align: right;">14</p> <p>1 Powell shop.</p> <p>2 Q. In regards to the grader, did you take a</p> <p>3 video of her operating the grader?</p> <p>4 A. Uh-huh, yes, I did.</p> <p>5 Q. And do you recall when you took that</p> <p>6 video?</p> <p>7 A. I don't know the date. It was on the</p> <p>8 north end of Powell, I think in Road 3 or Lane 3.</p> <p>9 Q. Do you recall about what year it was?</p> <p>10 A. I don't. 2012 maybe, something. I don't</p> <p>11 know.</p> <p>12 MR. KELLER: Do you mind if I showed the</p> <p>13 video, Tom?</p> <p>14 MR. THOMPSON: No.</p> <p>15 BY MR. KELLER:</p> <p>16 Q. We'll try to see it on my little screen</p> <p>17 here, but I have the video, and we'll try to go</p> <p>18 through it. I'm going to ask you to describe</p> <p>19 what's being done in the video for the record.</p> <p>20 Okay?</p> <p>21 A. (Deponent nodded.)</p> <p>22 Q. If I can pull it up.</p> <p>23 MR. THOMPSON: Can you establish</p> <p>24 foundation as to the date, location and all that?</p> <p>25 / / /</p>	<p style="text-align: right;">16</p> <p>1 BY MR. KELLER:</p> <p>2 Q. So can you see that video?</p> <p>3 A. Uh-huh.</p> <p>4 Q. All right. Back it up to the start. And</p> <p>5 as you're looking at the video -- it's not playing</p> <p>6 yet. I believe we're at time 000, and where are we</p> <p>7 looking at in the video?</p> <p>8 A. A road that's being built up with a motor</p> <p>9 grader.</p> <p>10 Q. What type of motor grader is that?</p> <p>11 A. John Deere, probably an 872.</p> <p>12 Q. And it's what? I think that's a yellow</p> <p>13 color?</p> <p>14 A. Yes.</p> <p>15 Q. And we'll hit play, if I can get it.</p> <p>16 Technology.</p> <p>17 So we're at -- we went from 00 to 11</p> <p>18 seconds, and was Star in this grader at this time?</p> <p>19 A. Yes.</p> <p>20 Q. And what was she doing during that time?</p> <p>21 A. Backing up, getting ready to pull a</p> <p>22 windrow.</p> <p>23 Q. Okay. So we went from 11 to 28. Can you</p> <p>24 describe what was happening in the video at that</p> <p>25 time?</p>
<p style="text-align: right;">15</p> <p>1 BY MR. KELLER:</p> <p>2 Q. Yeah. So in regards to the video, you</p> <p>3 said it was at the north end of Powell?</p> <p>4 A. Yeah, I'm pretty sure it was up on</p> <p>5 Lane 3.</p> <p>6 Q. And do you recall about what year that</p> <p>7 was?</p> <p>8 A. I don't. A couple years before I left</p> <p>9 the County. I always gave the truck drivers an</p> <p>10 opportunity to get in the grader because most of</p> <p>11 them were stuck in trucks. So I always told them,</p> <p>12 if you want a chance in this thing, get in, go a</p> <p>13 couple of rounds. There's nothing here you can do</p> <p>14 that I can't fix in 10, 15 minutes. So get some</p> <p>15 time in the seat, get in there and use it. This</p> <p>16 was an opportunity that Star did.</p> <p>17 Q. And do you recall about what time of year</p> <p>18 it was?</p> <p>19 A. It was winter.</p> <p>20 Q. Winter. And do you recall at Lane 3, do</p> <p>21 you recall what you were doing with the grader?</p> <p>22 A. I was building the road up, fixing mud</p> <p>23 holes, filling them in.</p> <p>24 (Whereupon, video turned on.)</p> <p>25 / / /</p>	<p style="text-align: right;">17</p> <p>1 A. She's getting her blade adjusted to move</p> <p>2 the windrow.</p> <p>3 Q. And by blade adjusted, is it turning?</p> <p>4 A. It's turning clockwise.</p> <p>5 Q. I'll just pause for a moment. And so we</p> <p>6 just went from 28 to 54. Can you describe what was</p> <p>7 happening in the video there?</p> <p>8 A. Moving forward adjusting the -- lowering</p> <p>9 the blade to make contact with the dirt to start</p> <p>10 moving dirt.</p> <p>11 Q. And by the dirt, are you talking -- as</p> <p>12 you're looking at the picture on what would be the</p> <p>13 right-hand side of the loader, is there what you'd</p> <p>14 call a windrow?</p> <p>15 A. Yes.</p> <p>16 Q. And what kind of material is being</p> <p>17 graded?</p> <p>18 A. That's pit run.</p> <p>19 Q. So I believe the time is 50 -- is that</p> <p>20 54? And so from the last number I had to the end</p> <p>21 time, what was Star doing?</p> <p>22 A. Moving dirt to the edge of the road.</p> <p>23 Q. And at the end, was that Star Cornett in</p> <p>24 the video?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">18</p> <p>1 Q. And she's in the cab?</p> <p>2 A. Yes.</p> <p>3 Q. As far as the operation of the grader,</p> <p>4 was she doing it correctly?</p> <p>5 A. Yes.</p> <p>6 Q. And what would she have needed to become</p> <p>7 more proficient?</p> <p>8 A. Just time in the equipment.</p> <p>9 Q. And were you able to see other equipment</p> <p>10 operators that were new to the shop operate the</p> <p>11 grader?</p> <p>12 A. Yes.</p> <p>13 Q. And who was that?</p> <p>14 A. Just about anybody that came to the shop.</p> <p>15 Q. Would that have included Kenny Marchant?</p> <p>16 A. Yes.</p> <p>17 Q. And starting out, how did Star compare</p> <p>18 skill-level-wise to Kenny Marchant operating the</p> <p>19 grader?</p> <p>20 A. About the same.</p> <p>21 Q. Did you get a chance to observe Tim</p> <p>22 Morrison operate the grader?</p> <p>23 A. Yes.</p> <p>24 Q. What's your opinion of Tim Morrison's</p> <p>25 ability to operate the grader?</p>	<p style="text-align: right;">20</p> <p>1 Q. And what about in the broom and sweep?</p> <p>2 A. Yes.</p> <p>3 Q. Do you believe from your observations she</p> <p>4 had the same skill level as Kenny Marchant?</p> <p>5 A. Yes.</p> <p>6 Q. What about compared to Tim Morrison?</p> <p>7 A. I mean yes.</p> <p>8 Q. And what do you mean by I mean yes?</p> <p>9 A. Tim Morrison was supposed to be a</p> <p>10 top-hand operator when he came to work with us, and</p> <p>11 there was no way he was a top-hand operator.</p> <p>12 Q. Besides the grader, did you observe him</p> <p>13 operate any other equipment?</p> <p>14 A. Uh-huh.</p> <p>15 Q. What equipment did you observe him</p> <p>16 operate?</p> <p>17 A. Dump trucks, loaders, just the basic</p> <p>18 standard stuff.</p> <p>19 Q. Well, let's say for the dump truck, are</p> <p>20 we talking about the end dump?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And on the end dump, what issues was he</p> <p>23 having with the end dump?</p> <p>24 A. Just typical stuff, setting chains too</p> <p>25 tight, not tripping the gate at the right time,</p>
<p style="text-align: right;">19</p> <p>1 A. He was very rough.</p> <p>2 Q. Can you explain rough?</p> <p>3 A. Well, he couldn't grasp the concept of</p> <p>4 laying out pit run.</p> <p>5 Q. So can you for us, can you describe the</p> <p>6 process of laying out pit run?</p> <p>7 A. Laying out pit run is an operation to</p> <p>8 build the road up. Belly dumps will come down the</p> <p>9 road. They will drop their load where you specify.</p> <p>10 At that point, you will start to build the road up</p> <p>11 leaving pit run in place to establish a height and</p> <p>12 width of the road that you want.</p> <p>13 Q. And what was Tim doing that was wrong?</p> <p>14 A. He'd always cut the material right off</p> <p>15 the road. He couldn't just leave material on the</p> <p>16 road. And he'd taper off the end every time and</p> <p>17 have a hard time backing up and getting material</p> <p>18 actually on the road.</p> <p>19 Q. And did you get a chance to observe Star</p> <p>20 Cornett operate other equipment besides the grader?</p> <p>21 A. Uh-huh, motor dozer, excavator, plow</p> <p>22 trucks, belly dumps, whatever.</p> <p>23 Q. Did you observe her operating the mower</p> <p>24 as well?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">21</p> <p>1 just the normal rookie stuff.</p> <p>2 Q. So what do you mean by tripping, not</p> <p>3 tripping the gate right? Can you explain?</p> <p>4 A. Well, I always have -- when I'm building</p> <p>5 a road or applying material to a road, I always</p> <p>6 park, and I have everybody trip their gate when</p> <p>7 their cab is next to my front tire. That way the</p> <p>8 load is next to me. So I just back up, get behind</p> <p>9 the load and lay the load out. And he'd trip it</p> <p>10 too soon, malfunction, whatever -- I don't know --</p> <p>11 trip it on down the road just -- yeah, it's like</p> <p>12 rookie stuff, not paying attention.</p> <p>13 Q. And by tripping the gate, you mean</p> <p>14 opening the gate?</p> <p>15 A. Yes, opening the gate.</p> <p>16 Q. As far as the other equipment operator 2s</p> <p>17 in the shop, did Star have in your opinion the</p> <p>18 equivalent proficiency?</p> <p>19 A. Yeah.</p> <p>20 Q. And so as far as operating the end dump</p> <p>21 truck?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And the belly dump?</p> <p>24 A. Yes, yes.</p> <p>25 Q. I was about to say I know it's tough.</p>

<p style="text-align: right;">22</p> <p>1 And what about with the dozer?</p> <p>2 A. She was new on the dozer, but able to</p> <p>3 accomplish the task.</p> <p>4 Q. Safely?</p> <p>5 A. Uh-huh, yes.</p> <p>6 Q. And what about operating the excavator?</p> <p>7 A. Again, that was very new, but she did a</p> <p>8 very good job.</p> <p>9 Q. What about for operating the broom and</p> <p>10 sweep?</p> <p>11 A. She's about the only one at the County</p> <p>12 that does it.</p> <p>13 Q. And the mower, the tractor?</p> <p>14 A. Yeah. She's one of the only people that</p> <p>15 operates in the Powell district.</p> <p>16 Q. Roller?</p> <p>17 A. Yes.</p> <p>18 Q. And by yes, you mean she had the same</p> <p>19 proficiency as the other --</p> <p>20 A. Yes, yes.</p> <p>21 Q. -- equipment operator 2s?</p> <p>22 A. Yes.</p> <p>23 Q. Did you get a chance to observe her</p> <p>24 running the chipper?</p> <p>25 A. No.</p>	<p style="text-align: right;">24</p> <p>1 A. Not at that time.</p> <p>2 Q. And did Del Ray Jones grant comp time?</p> <p>3 A. No, not until I offered to come in and</p> <p>4 work with her.</p> <p>5 Q. Well, why did Del Ray Jones say she</p> <p>6 couldn't come in?</p> <p>7 MR. THOMPSON: Objection. Why did he</p> <p>8 say?</p> <p>9 BY MR. KELLER:</p> <p>10 Q. Yeah, let me rephrase it. Did he give an</p> <p>11 explanation why she couldn't come in for comp time?</p> <p>12 A. He said it was unsafe.</p> <p>13 Q. Did he give a reason why he said it was</p> <p>14 unsafe?</p> <p>15 A. He just said it was unsafe for her to be</p> <p>16 by herself.</p> <p>17 Q. When Star is or anybody else is operating</p> <p>18 the broom and sweep, are they typically by</p> <p>19 themselves?</p> <p>20 A. Very much so.</p> <p>21 Q. What about when they're mowing?</p> <p>22 A. Very much so.</p> <p>23 Q. And you offered to come in to work with</p> <p>24 her?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">23</p> <p>1 Q. Water tank -- or water truck?</p> <p>2 A. Yes.</p> <p>3 Q. And again, I want to ask the same thing.</p> <p>4 Was her proficiency the same as the other equipment</p> <p>5 operator 2s in the shop?</p> <p>6 A. Yes.</p> <p>7 Q. Did you get to observe how Del Ray Paco</p> <p>8 treated Star?</p> <p>9 A. Yes.</p> <p>10 Q. Did he treat her differently from the</p> <p>11 other employees within the Powell shop?</p> <p>12 A. Yes.</p> <p>13 Q. How so?</p> <p>14 A. Very short.</p> <p>15 Q. What do you mean by short?</p> <p>16 A. Lack of patience.</p> <p>17 Q. Was that justified?</p> <p>18 A. No.</p> <p>19 Q. Did you ever hear Star request comp time?</p> <p>20 A. Yes.</p> <p>21 Q. Can you explain what comp time is?</p> <p>22 A. Comp time is working overtime for</p> <p>23 compensated leave.</p> <p>24 Q. Were others around as well that heard</p> <p>25 Star request comp time?</p>	<p style="text-align: right;">25</p> <p>1 Q. Did Del Ray grant it at that point?</p> <p>2 A. I believe he said he had to call and</p> <p>3 check with Brian.</p> <p>4 Q. Do others ask for comp time?</p> <p>5 A. All the time.</p> <p>6 Q. Who else would ask for comp time?</p> <p>7 A. I would all the time.</p> <p>8 Q. Do you know if anybody else did?</p> <p>9 A. Chris Carter did. Most of the grader</p> <p>10 operators did, if not all of them, anybody that</p> <p>11 wanted some time off.</p> <p>12 Q. And was it regularly granted?</p> <p>13 A. Yeah, never questioned.</p> <p>14 Q. And when others would -- when you would</p> <p>15 ask for comp time, were you ever told that they had</p> <p>16 to ask for Brian's permission?</p> <p>17 A. No.</p> <p>18 Q. Did you ever hear that from anybody else?</p> <p>19 A. No.</p> <p>20 Q. Before operating equipment, who would</p> <p>21 inspect the equipment?</p> <p>22 A. The operator.</p> <p>23 Q. And if the operator noticed that there</p> <p>24 was something wrong with the equipment, what was</p> <p>25 the procedure?</p>

<p style="text-align: right;">26</p> <p>1 A. Call a mechanic or fix it yourself.</p> <p>2 Q. Now, was that the procedure under Dale</p> <p>3 Hobby?</p> <p>4 A. Yes.</p> <p>5 Q. Does Del Ray Jones require the same</p> <p>6 thing?</p> <p>7 A. Yeah. If something was broke, we called</p> <p>8 a mechanic. If it needed fluids, we put in our own</p> <p>9 fluids.</p> <p>10 Q. Was it ever put out by Del Ray Jones that</p> <p>11 everybody had to notify Del Ray Jones if they</p> <p>12 wanted any maintenance or repairs done?</p> <p>13 A. No.</p> <p>14 Q. Did you ever hear Star receive a separate</p> <p>15 instruction regarding getting maintenance or</p> <p>16 repairs done?</p> <p>17 MR. THOMPSON: Objection as to form.</p> <p>18 BY MR. KELLER:</p> <p>19 Q. Go ahead and answer, or if you don't</p> <p>20 understand, I can reask.</p> <p>21 A. I'm not sure.</p> <p>22 Q. Did you ever hear Paco tell Star that she</p> <p>23 had to notify him before calling a mechanic?</p> <p>24 A. Yes.</p> <p>25 Q. Was that for all maintenance?</p>	<p style="text-align: right;">28</p> <p>1 truck operators to operate?</p> <p>2 A. No.</p> <p>3 Q. Say it again.</p> <p>4 A. No.</p> <p>5 Q. And do you recall how long Star ran the</p> <p>6 grader the day you took that video?</p> <p>7 A. I'm going to guess about an hour.</p> <p>8 Q. And do you know if Star had any</p> <p>9 experience running the grader dozer before coming</p> <p>10 to the Powell shop?</p> <p>11 A. Yes, she did.</p> <p>12 Q. And how did you learn that she had that</p> <p>13 experience?</p> <p>14 A. Because she was operating equipment here</p> <p>15 at the Cody shop.</p> <p>16 Q. Were you ever told that you were the dark</p> <p>17 force in the shop?</p> <p>18 A. The day I was let go, I believe.</p> <p>19 Q. And who told you that?</p> <p>20 A. It was either Mr. Edwards or Mr. Jones.</p> <p>21 Q. When you were working for the Powell</p> <p>22 shop, did you ever hear any rumors about Star</p> <p>23 Cornett?</p> <p>24 A. I don't believe so.</p> <p>25 MR. KELLER: I don't have any further</p>
<p style="text-align: right;">27</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever have to inspect equipment</p> <p>3 for Star?</p> <p>4 A. No.</p> <p>5 Q. Do you know if anybody else had to?</p> <p>6 A. I don't know.</p> <p>7 Q. Have you ever heard Del Ray Jones say</p> <p>8 that women don't belong in operating equipment?</p> <p>9 A. Yes.</p> <p>10 Q. When did he say that?</p> <p>11 A. Lots of times.</p> <p>12 Q. Was that something that would be said in</p> <p>13 the shop?</p> <p>14 A. Not usually.</p> <p>15 Q. Where would these conversations happen?</p> <p>16 A. In the pickup on weekends.</p> <p>17 Q. Were there other people around when he</p> <p>18 would say this besides just you?</p> <p>19 A. No, it was just me.</p> <p>20 Q. When you allowed Star in the grader, did</p> <p>21 Del Ray Jones get upset?</p> <p>22 A. Yes.</p> <p>23 Q. What did he tell you?</p> <p>24 A. He just questioned why I did that.</p> <p>25 Q. Did he question you about allowing other</p>	<p style="text-align: right;">29</p> <p>1 questions, Tom.</p> <p>2 MR. THOMPSON: I've got some questions I</p> <p>3 need to ask.</p> <p>4 MR. KELLER: Tom, just before you start,</p> <p>5 if you can remember the rule not to step on Tom.</p> <p>6 Let him finish his questions.</p> <p>7 THE DEPONENT: Okay.</p> <p>8 <u>EXAMINATION</u></p> <p>9 <u>QUESTIONS BY MR. THOMPSON:</u></p> <p>10 Q. Do you prefer Kristofer or --</p> <p>11 A. Yes.</p> <p>12 Q. Kristofer, I introduced myself to you</p> <p>13 before we went on the record. My name is Tom</p> <p>14 Thompson. I represent Park County in this</p> <p>15 litigation, and I do have some follow-up questions</p> <p>16 for you regarding your testimony.</p> <p>17 You talked about being terminated from</p> <p>18 Park County; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you stated that you did not know why</p> <p>21 you were terminated. Can you tell me what that</p> <p>22 looked like? What were you told? What happened?</p> <p>23 What was done?</p> <p>24 MR. KELLER: I'm just going to object to</p> <p>25 the form of the question.</p>

<p style="text-align: right;">30</p> <p>1 BY MR. THOMPSON:</p> <p>2 Q. Go ahead.</p> <p>3 A. I was told in the morning to stay in the</p> <p>4 shop because Mr. Edwards was going to come talk to</p> <p>5 me. So I waited in the shop and was told my</p> <p>6 services were no longer required.</p> <p>7 Q. And who told you to stay in the shop?</p> <p>8 A. Del Ray Jones.</p> <p>9 Q. And did Mr. Edwards say anything else to</p> <p>10 you other than your services were no longer needed?</p> <p>11 A. There was a brief discussion.</p> <p>12 Q. And what was that?</p> <p>13 A. I don't recall verbatim what was said.</p> <p>14 Q. What do you recall generally what was</p> <p>15 discussed?</p> <p>16 A. That they didn't need my services</p> <p>17 anymore. I was no longer needed.</p> <p>18 Q. He didn't say why?</p> <p>19 A. No.</p> <p>20 Q. You recall being told you were the dark</p> <p>21 force?</p> <p>22 A. Yeah.</p> <p>23 Q. Did you ask what's that mean?</p> <p>24 A. Part of the conversation was the fact</p> <p>25 that I don't come in smiling, saying good morning</p>	<p style="text-align: right;">32</p> <p>1 secretly recording people in the shop?</p> <p>2 A. I'm not aware of that.</p> <p>3 Q. You never heard that before?</p> <p>4 A. No.</p> <p>5 Q. Hmm. You stated that when asked about</p> <p>6 your relationship with Del Ray Jones, that you had</p> <p>7 a good relationship. You went hunting and fishing</p> <p>8 and camping, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Was there a time that that changed?</p> <p>11 A. The day I told him I was applying for</p> <p>12 Dale Hobby's position.</p> <p>13 Q. And so you were both competing for the</p> <p>14 same job?</p> <p>15 A. Yes.</p> <p>16 Q. And he was selected over you?</p> <p>17 A. Yes.</p> <p>18 Q. And you didn't get selected as the</p> <p>19 assistant shop foreman, and you told him after</p> <p>20 that, you ruined my fucking life?</p> <p>21 A. Not in so many words, but there was a</p> <p>22 discussion.</p> <p>23 Q. What part of it did I miss?</p> <p>24 A. I'd have to -- that conversation was very</p> <p>25 emotional. Yeah, I know there was more to it than</p>
<p style="text-align: right;">31</p> <p>1 every day. That's it.</p> <p>2 Q. Was there a reference to you had a bad</p> <p>3 attitude?</p> <p>4 A. I don't remember.</p> <p>5 Q. Did you get along with the other</p> <p>6 employees in the --</p> <p>7 A. Yes, very much so.</p> <p>8 Q. -- in the shop?</p> <p>9 A. Yes.</p> <p>10 Q. Tim Morrison? Do you believe Tim</p> <p>11 Morrison would say he got along with you?</p> <p>12 A. I can't speak for him.</p> <p>13 Q. Did you ever have any words with Tim</p> <p>14 Morrison?</p> <p>15 A. No.</p> <p>16 Q. How about Kenny Marchant?</p> <p>17 A. Are you talking harsh words?</p> <p>18 Q. Yes, just critical words, hey, you're</p> <p>19 doing this as a rookie, or you can't operate that</p> <p>20 equipment?</p> <p>21 A. No.</p> <p>22 Q. You never told either of them that they</p> <p>23 weren't proficient in the operation of equipment?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Were you aware that Starkie Cornett was</p>	<p style="text-align: right;">33</p> <p>1 just that, yeah.</p> <p>2 Q. Why did you tell him that he ruined your</p> <p>3 life or words to that effect?</p> <p>4 A. Because he was no longer treating me like</p> <p>5 a friend.</p> <p>6 Q. And you expected to be treated like a</p> <p>7 friend and not a co-employee?</p> <p>8 A. Yes.</p> <p>9 Q. And did that mean preferential treatment?</p> <p>10 A. No.</p> <p>11 Q. What did that mean to you?</p> <p>12 A. That we were friends, that we would still</p> <p>13 go camping and fishing and hunting and do things.</p> <p>14 Q. After you applied for the foreman job,</p> <p>15 did you ask Del Ray to go hunting or camping and</p> <p>16 fishing with him?</p> <p>17 A. I don't believe so.</p> <p>18 Q. And so was it him who stopped the</p> <p>19 relationship, or did you?</p> <p>20 A. He did.</p> <p>21 Q. Did families -- did you go with families</p> <p>22 when you went on those events?</p> <p>23 A. Yes, with his wife.</p> <p>24 Q. Did you go with your wife?</p> <p>25 A. No.</p>

<p style="text-align: right;">34</p> <p>1 Q. Are you married?</p> <p>2 A. No.</p> <p>3 Q. Were you married at the time?</p> <p>4 A. Yes.</p> <p>5 Q. So it would be you and Paco and his wife</p> <p>6 going camping?</p> <p>7 A. Yes.</p> <p>8 Q. Have you talked to Paco at all since your</p> <p>9 termination from Park County?</p> <p>10 A. No.</p> <p>11 Q. Prior to today's testimony, have you</p> <p>12 talked to Mr. Keller, the gentleman sitting to your</p> <p>13 right?</p> <p>14 A. Just setting the time for this meeting.</p> <p>15 Q. Did you have any discussions with</p> <p>16 Mr. Keller other than setting the time for this</p> <p>17 meeting?</p> <p>18 A. No.</p> <p>19 Q. Was there ever a time when an</p> <p>20 investigator from Mr. Keller's office talked to</p> <p>21 you?</p> <p>22 A. No.</p> <p>23 Q. Did you volunteer to Ms. Cornett that you</p> <p>24 would testify on her behalf?</p> <p>25 A. I'm not sure how that came about.</p>	<p style="text-align: right;">36</p> <p>1 have you had communication with Ms. Cornett?</p> <p>2 A. A little.</p> <p>3 Q. Text communication?</p> <p>4 A. I don't believe so.</p> <p>5 Q. No texts between you and her since you</p> <p>6 were terminated?</p> <p>7 A. Well, other than her letting me know that</p> <p>8 her son was playing at the Silver Dollar.</p> <p>9 Q. That's it?</p> <p>10 A. I believe so, yes.</p> <p>11 Q. Any e-mail communication?</p> <p>12 A. No.</p> <p>13 Q. Instant messaging?</p> <p>14 A. No.</p> <p>15 Q. Phone conversations?</p> <p>16 A. Maybe a couple.</p> <p>17 Q. Do you socialize with her?</p> <p>18 A. No.</p> <p>19 Q. There were rumors that while you were</p> <p>20 working for Park County, that you and Ms. Cornett</p> <p>21 were having an extramarital affair. Ever happen?</p> <p>22 A. Nope.</p> <p>23 Q. Did your wife ever come to Park County</p> <p>24 accusing you of that, come to the Park County shop?</p> <p>25 A. No.</p>
<p style="text-align: right;">35</p> <p>1 Q. Do you understand my question?</p> <p>2 A. Well, I have to go back. Somebody</p> <p>3 approached me and said, you need to fill out a</p> <p>4 piece of paper saying what went on. So I don't</p> <p>5 know if that was an investigator or not.</p> <p>6 Q. That was somebody from Mr. Keller's</p> <p>7 office?</p> <p>8 A. I don't know whether that was</p> <p>9 Mr. Keller's office or the County.</p> <p>10 Q. Okay. Do you recall who gave that to</p> <p>11 you?</p> <p>12 A. I don't.</p> <p>13 Q. Do you recall what you did with that?</p> <p>14 A. Turned it in.</p> <p>15 Q. Do you recall what they were asking you</p> <p>16 to -- to identify the incident that happened?</p> <p>17 A. Yeah, I believe so, just give an</p> <p>18 explanation of what took place.</p> <p>19 Q. And I'm sorry. I'm not asking it very</p> <p>20 well, but I'm trying to figure out what it was they</p> <p>21 were asking you to report on. Ms. Cornett or your</p> <p>22 termination, or what was it?</p> <p>23 A. No, it was about Ms. Cornett's, I guess,</p> <p>24 case going on.</p> <p>25 Q. Since your termination from the County,</p>	<p style="text-align: right;">37</p> <p>1 Q. She never showed up at the shop?</p> <p>2 A. Not when I was there.</p> <p>3 Q. What's your ex-wife's name?</p> <p>4 A. Erin Evans.</p> <p>5 Q. Does she reside here in Cody?</p> <p>6 A. No.</p> <p>7 Q. Where does she reside?</p> <p>8 A. San Antonio, Texas.</p> <p>9 Q. Is that her maiden name, Evans?</p> <p>10 A. Yes.</p> <p>11 Q. You talked about training Ms. Cornett on</p> <p>12 grader, dozer and excavator. My understanding of</p> <p>13 Road & Bridge operations is that when you have a</p> <p>14 project that's going on, everybody's assigned to a</p> <p>15 piece of equipment, and you work on that project.</p> <p>16 Is that fair?</p> <p>17 A. That's fair.</p> <p>18 Q. And when this training would occur, would</p> <p>19 this be because Road & Bridge wasn't using this</p> <p>20 various equipment?</p> <p>21 A. At times.</p> <p>22 Q. And the training that you referred to is</p> <p>23 allowing her to become familiar with the grader,</p> <p>24 the dozer and the excavator, for example, in the</p> <p>25 shop yard, correct?</p>

<p style="text-align: right;">38</p> <p>1 A. Or on a road.</p> <p>2 Q. And did she ever take the dozer on a</p> <p>3 road?</p> <p>4 A. No.</p> <p>5 Q. Did she ever take the excavator on a</p> <p>6 road?</p> <p>7 A. No.</p> <p>8 Q. Those were all in the shop yard?</p> <p>9 A. Or in the pit.</p> <p>10 Q. What was the purpose of you taking a</p> <p>11 video of her on the grader?</p> <p>12 A. To help her build confidence.</p> <p>13 Q. And how was that going to help her build</p> <p>14 confidence?</p> <p>15 A. To see that she could actually do the</p> <p>16 job.</p> <p>17 Q. Did you take videos of her doing any</p> <p>18 other jobs?</p> <p>19 A. I don't believe so.</p> <p>20 Q. Did you take videos of any other truck</p> <p>21 drivers that you gave an opportunity to operate a</p> <p>22 grader?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you recall doing that?</p> <p>25 A. It's possible.</p>	<p style="text-align: right;">40</p> <p>1 Q. Let me ask it a different way. You can</p> <p>2 take me out into the yard, put me in a motor grader</p> <p>3 and show me how to operate it, let me operate it</p> <p>4 for an hour, but you'd agree that that doesn't make</p> <p>5 me proficient in the operation of that equipment?</p> <p>6 A. Correct.</p> <p>7 Q. To be proficient in the equipment means</p> <p>8 that you demonstrate a certain skill level?</p> <p>9 A. Yes.</p> <p>10 Q. And sometimes that means spending time.</p> <p>11 More time on the equipment, more proficient you</p> <p>12 become. Would you agree?</p> <p>13 A. Yes.</p> <p>14 Q. And I apologize for skipping around a</p> <p>15 little bit, but I don't want to go over everything</p> <p>16 you've already testified to. Did you have any</p> <p>17 involvement with wage increases for employees?</p> <p>18 A. No.</p> <p>19 Q. Did you have any involvement in</p> <p>20 recommendations for a promotion, for example, from</p> <p>21 operator 1 to 2 to 2 to 3?</p> <p>22 A. No.</p> <p>23 Q. You stated that you started as an</p> <p>24 operator 1?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">39</p> <p>1 Q. But do you have any specific</p> <p>2 recollection?</p> <p>3 A. Yeah, not offhand.</p> <p>4 Q. Why wouldn't you do the same thing with</p> <p>5 another operator who you're trying to build up</p> <p>6 their confidence, video them?</p> <p>7 A. I would.</p> <p>8 Q. By you just don't have any specific</p> <p>9 recollection of doing that?</p> <p>10 A. I might have of Rowdy. I know I have,</p> <p>11 yeah, pictures of various things from work</p> <p>12 operations.</p> <p>13 Q. Photographs?</p> <p>14 A. Yes.</p> <p>15 Q. But no other videos that you recall right</p> <p>16 now?</p> <p>17 A. Oh, I probably have videos. I'm just not</p> <p>18 sure what they're of at this time.</p> <p>19 Q. I think you answered this question, but I</p> <p>20 want to make sure I understand what your testimony</p> <p>21 is going to be at the trial of this matter. You</p> <p>22 can be familiar with a piece of equipment, but it</p> <p>23 doesn't mean you're proficient on that equipment;</p> <p>24 is that correct?</p> <p>25 A. I'm not sure I understand that question.</p>	<p style="text-align: right;">41</p> <p>1 Q. How many years did you spend as an</p> <p>2 operator 1 before you went to operator 2?</p> <p>3 A. Seven -- five, seven years. I'm not sure</p> <p>4 of the date.</p> <p>5 Q. Okay. Between five and seven?</p> <p>6 A. Yeah.</p> <p>7 Q. When you became an operator 1, did you</p> <p>8 primarily drive truck?</p> <p>9 A. Primarily, yes.</p> <p>10 Q. Ron Nieters testified earlier today, as</p> <p>11 did Chrissy -- or Ms. Wallace, I believe former</p> <p>12 operator for the County Road & Bridge, and they</p> <p>13 stated when they started, it was a truck driver</p> <p>14 position or an operator position. Was it that way</p> <p>15 when you started, or was it operator 1?</p> <p>16 A. I don't understand the question.</p> <p>17 Q. When they started with the Road &</p> <p>18 Bridge --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- there was actually -- you were either</p> <p>21 a truck driver or you were an operator. Was there</p> <p>22 that delineation when you started with the County?</p> <p>23 A. I'm not sure how -- an operator 1 is</p> <p>24 primarily a truck driver, but you also have to</p> <p>25 operate equipment.</p>

<p style="text-align: right;">42</p> <p>1 Q. Okay. And I'm just asking that when you 2 started -- and maybe the easiest way to ask this is 3 that you started as an operator 1. You weren't 4 designated as a truck driver for your job 5 description, correct?</p> <p>6 A. I don't believe so.</p> <p>7 Q. It was Cindy Stewart. I had the name 8 wrong. Are you familiar with Ms. Stewart?</p> <p>9 A. Yes.</p> <p>10 Q. Was she an operator 3?</p> <p>11 A. I believe so.</p> <p>12 Q. Did she primarily drive truck?</p> <p>13 A. Yes.</p> <p>14 Q. Even as an operator 3?</p> <p>15 A. Yes.</p> <p>16 Q. Were you working at the Powell shop when 17 Ms. Cornett transferred from the Cody shop to the 18 Powell shop?</p> <p>19 A. Yes.</p> <p>20 Q. And she came over as an operator 1?</p> <p>21 A. I believe so.</p> <p>22 Q. Do you know how many years she had 23 experience as an operator 1?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Do you know Ron Nieters?</p>	<p style="text-align: right;">44</p> <p>1 didn't want her working alone is he was concerned 2 for her safety?</p> <p>3 A. Yes.</p> <p>4 Q. Is that a valid concern as a supervisor?</p> <p>5 A. Yes.</p> <p>6 Q. And once you volunteered to come in, he 7 allowed her that comp time; is that correct?</p> <p>8 A. After he got acceptance from Mr. Edwards.</p> <p>9 Q. Is comp time a budgetary issue?</p> <p>10 A. I'm not sure what you mean.</p> <p>11 Q. Allowing people to take comp time, do you 12 know if that is a budgetary issue for the County?</p> <p>13 A. I don't know.</p> <p>14 Q. And you stated that comp time is 15 regularly granted, at least as of when you worked 16 for the County. What's the basis for that 17 testimony?</p> <p>18 A. I was always allowed to accumulate comp 19 time.</p> <p>20 Q. Do you know who else was?</p> <p>21 A. Every other operator in the County.</p> <p>22 Q. So anybody in the County, either in the 23 Powell shop or the Cody shop, that asked for comp 24 time, they were granted comp time?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">43</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever work with Ron Nieters?</p> <p>3 A. Yes.</p> <p>4 Q. Do you trust his judgment in regards to 5 his judgment on being a proficient operator?</p> <p>6 A. To some degree.</p> <p>7 Q. What degree don't you trust it?</p> <p>8 A. It's not so much what you know. It's who 9 you know.</p> <p>10 Q. Ron Nieters testified that he did not 11 recommend Ms. Cornett to be an operator 2 while she 12 was working for him because she needed more time in 13 the seat. Do you believe that when she came to the 14 Powell shop, she was proficient enough to be an 15 operator 2?</p> <p>16 A. I don't know.</p> <p>17 Q. You talked about a comp time event, where 18 Ms. Cornett asked for comp time, and Paco said that 19 she couldn't have comp time because he didn't want 20 her working alone, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Had her son just been in a significant 23 motor vehicle accident?</p> <p>24 A. Yes.</p> <p>25 Q. Did you ever hear Paco say the reason he</p>	<p style="text-align: right;">45</p> <p>1 Q. There are witnesses who have testified in 2 this case that have stated that they never asked 3 for comp time. Do you know who asked for comp 4 time?</p> <p>5 A. No. It's a personal choice. It was on 6 our time sheets. You could put comp time or 7 overtime.</p> <p>8 Q. If you don't know who asked for comp 9 time, how would you know that everybody in the 10 County was granted it?</p> <p>11 A. Discussion in the shop.</p> <p>12 MR. KELLER: I'm just going to object, 13 Tom. That's a misstatement of previous testimony. 14 BY MR. THOMPSON:</p> <p>15 Q. Discussion in the shop, when was that 16 discussion, and who was it with and what was said?</p> <p>17 A. Any one of the employees in the Cody or 18 Powell shop that would accumulate 40 hours of comp 19 time.</p> <p>20 Q. 40 hours of regular time?</p> <p>21 A. Comp time.</p> <p>22 Q. And who did you know that accumulated 40 23 hours of comp time?</p> <p>24 A. Just about everybody in the shop.</p> <p>25 Q. So review with me who that is. Who are</p>

<p style="text-align: right;">46</p> <p>1 you talking about? Tim Morrison? Kenny Marchant?</p> <p>2 Rowdy Briggs?</p> <p>3 A. Yes.</p> <p>4 Q. They all had 40 hours plus of comp time?</p> <p>5 A. I don't know. I guess I don't know that</p> <p>6 they actually kept that. Cody shop, yes, lots of</p> <p>7 employees kept 40 hours of comp time on their time</p> <p>8 sheets.</p> <p>9 Q. How about the Powell shop?</p> <p>10 A. As far as I know, there was quite a few.</p> <p>11 Chris Carter kept comp time. I know I kept comp</p> <p>12 time. Del Ray kept comp time. Clarence Anderson</p> <p>13 kept comp time. Cindy Stewart kept comp time.</p> <p>14 Yeah, lots of people kept comp time.</p> <p>15 Q. Was that from snowplowing primarily?</p> <p>16 A. Snowplowing or coming in on the weekends.</p> <p>17 Q. And how much of that would you attribute</p> <p>18 to coming in on the weekends when there was no snow</p> <p>19 event?</p> <p>20 A. It depends on the individual.</p> <p>21 Q. We'd have to go look at those records?</p> <p>22 A. Yeah, you'd have to go look at the time</p> <p>23 cards.</p> <p>24 Q. I believe everybody that's testified to</p> <p>25 date has stated that when something was wrong with</p>	<p style="text-align: right;">48</p> <p>1 you present, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Are you aware of Paco ever saying that in</p> <p>4 the presence of any employees at the Powell shop?</p> <p>5 A. I don't know.</p> <p>6 Q. You've never heard that, have you, at the</p> <p>7 Powell shop, Paco say that?</p> <p>8 A. To other employees?</p> <p>9 Q. Yes.</p> <p>10 A. I don't know what he said to other</p> <p>11 employees.</p> <p>12 Q. I'm asking you if you've ever heard him</p> <p>13 say that to other employees.</p> <p>14 A. No, I've never heard him say that to</p> <p>15 other employees.</p> <p>16 Q. Did you ever have any discussions with</p> <p>17 Ms. Cornett about trying to get Paco fired from his</p> <p>18 position?</p> <p>19 A. No.</p> <p>20 Q. Never had that discussion?</p> <p>21 A. No.</p> <p>22 Q. Okay. I don't believe I have any further</p> <p>23 questions.</p> <p>24 (Whereupon, discussion was held off the</p> <p>25 record.)</p>
<p style="text-align: right;">47</p> <p>1 their equipment, while Paco was foreman, they</p> <p>2 called Paco first to report the problem. Your</p> <p>3 testimony today is that wasn't the case. There was</p> <p>4 no understanding that you needed to call Paco</p> <p>5 first.</p> <p>6 A. Correct.</p> <p>7 Q. Do you know why anybody -- every other</p> <p>8 person that's testified testified that there was a</p> <p>9 chain of command that you used?</p> <p>10 MR. KELLER: Objection.</p> <p>11 MR. THOMPSON: What's your objection?</p> <p>12 MR. KELLER: Oh, foundation.</p> <p>13 BY MR. THOMPSON:</p> <p>14 Q. Have you talked to anybody about your</p> <p>15 deposition today?</p> <p>16 A. No.</p> <p>17 Q. Have you talked to any of the employees,</p> <p>18 current employees, of the Powell shop since you</p> <p>19 left?</p> <p>20 A. No.</p> <p>21 Q. You've talked about -- counsel asked you</p> <p>22 a question, had you ever heard Paco say women</p> <p>23 shouldn't be operating equipment, and you stated</p> <p>24 that the times that you've heard that have been in</p> <p>25 a pickup truck on the weekends with just Paco and</p>	<p style="text-align: right;">49</p> <p>1 <u>FURTHER EXAMINATION</u></p> <p>2 <u>QUESTIONS BY MR. KELLER:</u></p> <p>3 Q. All right. I just have some follow-up</p> <p>4 questions. I just get to follow up on questions</p> <p>5 that Mr. Thompson has asked.</p> <p>6 A. Okay.</p> <p>7 Q. This will be pretty short.</p> <p>8 All right. Getting back to the training</p> <p>9 on equipment, was the training on equipment only at</p> <p>10 times when it wasn't being used on the job?</p> <p>11 A. No.</p> <p>12 Q. So there were times when there was a job</p> <p>13 being done and employees were being trained on the</p> <p>14 equipment as the work's being done?</p> <p>15 A. As in the video.</p> <p>16 Q. And that was during a job where people</p> <p>17 were assigned to equipment?</p> <p>18 A. Yes.</p> <p>19 Q. And was that normal?</p> <p>20 A. Yes. I always told the truck drivers if</p> <p>21 they wanted experience in the grader, get in there.</p> <p>22 Q. Is that also -- did you train Rowdy</p> <p>23 Briggs?</p> <p>24 A. Yes.</p> <p>25 Q. And is that how you trained Rowdy Briggs</p>

<p style="text-align: right;">50</p> <p>1 as well?</p> <p>2 A. Yes.</p> <p>3 Q. Did Del Ray Paco get upset with you when</p> <p>4 you were training Rowdy Briggs that way?</p> <p>5 A. No.</p> <p>6 Q. So I want to talk to you a little bit</p> <p>7 again about your advancement. You mentioned --</p> <p>8 correct me if I'm wrong. You stated that you were</p> <p>9 hired in roughly 2005?</p> <p>10 A. Yes.</p> <p>11 Q. And it took about five to seven years to</p> <p>12 become equipment operator 2?</p> <p>13 A. I believe so.</p> <p>14 Q. Did you make equipment operator 3 quickly</p> <p>15 after that?</p> <p>16 A. I'm not sure of the time frame.</p> <p>17 Q. Do you recall stating that you believed</p> <p>18 you were equipment operator 3 when you came to the</p> <p>19 Powell shop?</p> <p>20 A. I believe so.</p> <p>21 Q. Do you recall when you came to the Powell</p> <p>22 shop?</p> <p>23 A. I thought it was 2010, 2014, somewhere in</p> <p>24 there.</p> <p>25 Q. Let me ask you. Do you know if there</p>	<p style="text-align: right;">52</p> <p>1 Q. What about the sweep and broom?</p> <p>2 A. I don't think I've ever seen Kenny</p> <p>3 operate that.</p> <p>4 Q. In regards to the dozer, is that</p> <p>5 something that's primarily run in the pit?</p> <p>6 A. Yes.</p> <p>7 Q. How often is it run out on the road?</p> <p>8 A. Very rarely.</p> <p>9 Q. And in regards to the grader, who was in</p> <p>10 charge of the grader, grading job, primarily when</p> <p>11 you were with Road & Bridge?</p> <p>12 A. The grader operator.</p> <p>13 Q. And was that you?</p> <p>14 A. Yes.</p> <p>15 Q. And while you were -- before being</p> <p>16 terminated, was there ever any discussion regarding</p> <p>17 layoffs?</p> <p>18 A. No.</p> <p>19 Q. All right. I don't have any further</p> <p>20 questions.</p> <p>21 MR. THOMPSON: I have no further</p> <p>22 questions.</p> <p>23 MR. KELLER: While on the record, you</p> <p>24 have an option to review your transcripts from this</p> <p>25 deposition and go through it and sign it, and if</p>
<p style="text-align: right;">51</p> <p>1 were during that time, there were hiring or wage</p> <p>2 increase freezes?</p> <p>3 A. I don't believe so. There may have been</p> <p>4 a short hiring freeze, but I'm not sure.</p> <p>5 Q. And in regards to proficiency on</p> <p>6 equipment operating, when Kenny Marchant was hired</p> <p>7 on, was Star as proficient in, say, the end dump</p> <p>8 truck as Kenny Marchant was?</p> <p>9 A. Yeah, she was.</p> <p>10 Q. And what about the dozer?</p> <p>11 A. I don't think I've ever seen Kenny run a</p> <p>12 dozer.</p> <p>13 Q. What about the water truck?</p> <p>14 A. Yes.</p> <p>15 Q. Grader?</p> <p>16 A. I don't -- I don't know.</p> <p>17 Q. Belly dump?</p> <p>18 A. Yes.</p> <p>19 Q. Roller?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall watching -- did you see or</p> <p>22 observe Kenny Marchant operate the grader when you</p> <p>23 were there?</p> <p>24 A. I'm trying -- if I did, it wasn't very</p> <p>25 often.</p>	<p style="text-align: right;">53</p> <p>1 you believe there's corrections that need to be</p> <p>2 made, you can make those corrections at the end.</p> <p>3 Some people go through and they will make</p> <p>4 corrections with spelling, grammar, whatever.</p> <p>5 If you make a major correction, just let</p> <p>6 us know where you say, well, my testimony is wrong</p> <p>7 and you give a whole explanation why, that opens it</p> <p>8 up to Mr. Tom Thompson to come back in and redepose</p> <p>9 you or in court to impeach you. So do you want to</p> <p>10 sign your deposition, or do you want to waive it.</p> <p>11 THE DEPONENT: I'll sign it.</p> <p>12 MR. KELLER: Okay. And you'll have to</p> <p>13 give Joan an address, or it can be sent to me, and</p> <p>14 I can get that to you.</p> <p>15 (Whereupon, the deposition was concluded</p> <p>16 at 5:14 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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CERTIFICATE OF WITNESS

I, KRISTOFER P. COOPER, being first duly sworn, depose and say:

That I am the witness named in the foregoing deposition consisting of pages 1 through 53; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers therein contained are true and correct except for any changes that I may have listed on the Change Sheet attached hereto.

Dated this _____ day of _____ 2024.

KRISTOFER P. COOPER

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2024.

NAME OF NOTARY PUBLIC

NOTARY PUBLIC FOR _____

RESIDING AT _____

MY COMMISSION EXPIRES _____

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CHANGE SHEET FOR KRISTOFER P. COOPER

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KRISTOFER P. COOPER

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REPORTER'S CERTIFICATE

STATE OF WYOMING)
) SS.
COUNTY OF JOHNSON)

I, Joan F. Marshall, a Notary Public in and for the State of Wyoming, residing at Buffalo, County of Johnson, State of Wyoming, and a Court Reporter, do hereby certify:

That on the 23rd day of April 2024, at 3:55 p.m., there appeared before me Kristofer P. Cooper, pursuant to notice and stipulation of counsel, as a witness in the foregoing cause;

That pursuant to stipulation of counsel, said witness was first duly sworn by me to tell the truth, the whole truth, and nothing but the truth as he testified in said cause, and said witness was thereupon examined orally by counsel and made answer thereto, under oath, as hereinabove contained;

That the foregoing testimony was taken by me in stenograph and thereafter reduced to typewriting by me or under my supervision, and the foregoing 53 pages contain a full, true and correct record of all the testimony given by the witness, to the best of my ability;

That the reading and signing of the deposition were expressly requested;

That I am not a relative or employee or attorney or counsel of any of the parties in said cause, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the action, nor am I a relative of any person interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of April 2024.

JOAN F. MARSHALL, C.S.R.
Notary Public
196 Links Lane
Buffalo, Wyoming 82834

My Commission expires August 24, 2029.

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Exhibit 5:

Kenny Marchant Deposition Transcript

<p style="text-align: right;">2</p> <p style="text-align: center;"><u>A P P E A R A N C E S</u></p> <p>MR. MARSHALL E. KELLER, Attorney at Law, of the Keller Law Firm, P.C., P.O. Box 111, Thermopolis, Wyoming 82443, appearing for and on behalf of the Plaintiff.</p> <p>MR. THOMAS A. THOMPSON, Attorney at Law, of the Wyoming Local Government Liability Pool, 6844 Yellowtail Road, Cheyenne, Wyoming 82009, appearing for and on behalf of the Defendants.</p> <p>Also present: Starkie J. Cornett and Brian Edwards.</p>	<p style="text-align: right;">4</p> <p>THE DEPOSITION OF KENNY A. MARCHANT was taken on behalf of the Plaintiff on this, the 23rd day of April 2024, at the Park County Public Works Conference Room, 2820 Highway 120 South, Cody, Wyoming, before Two Sisters Reporting Service, by Joan F. Marshall, Court Reporter and Notary Public within and for the State of Wyoming, to be used in an action pending in the United States District Court for the District of Wyoming, said cause being Cause No. 22-CV-00034 in said Court.</p> <p>AND THEREUPON, the following testimony was adduced, to wit:</p> <p style="text-align: center;"><u>KENNY A. MARCHANT</u>,</p> <p>having been first duly sworn to tell the truth, the whole truth and nothing but the truth relating to said cause, deposes and says:</p> <p style="text-align: center;"><u>EXAMINATION</u></p> <p><u>QUESTIONS BY MR. KELLER:</u></p> <p>Q. Kenny, my name is Marshall Keller, and I'm representing Star in this case.</p> <p>So the main reason I have you here today, we're just here to find out information and get some background. Today is your deposition. You were just sworn in. And do you understand what you're swearing in, you know, why you swear in?</p>								
<p style="text-align: right;">3</p> <p style="text-align: center;"><u>I N D E X</u></p> <table border="0"> <tr> <td><u>TESTIMONY OF KENNY A. MARCHANT:</u></td> <td style="text-align: right;"><u>PAGE</u></td> </tr> <tr> <td>Examination by Mr. Keller</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Examination by Mr. Thompson</td> <td style="text-align: right;">26</td> </tr> <tr> <td>Further Examination by Mr. Keller</td> <td style="text-align: right;">30</td> </tr> </table> <p><u>DEPOSITION EXHIBITS:</u> <u>MARKED</u></p> <p>(No exhibits marked or identified.)</p>	<u>TESTIMONY OF KENNY A. MARCHANT:</u>	<u>PAGE</u>	Examination by Mr. Keller	4	Examination by Mr. Thompson	26	Further Examination by Mr. Keller	30	<p style="text-align: right;">5</p> <p>A. Yes.</p> <p>Q. And can you explain what that means to you?</p> <p>A. So you don't commit perjury, so you're not lying under oath.</p> <p>Q. And what does that mean to you? What does perjury mean to you?</p> <p>A. Not telling the truth, not being truthful.</p> <p>Q. You understand that if you do, that there's possible penalties with that, fines and all the other stuff that may go with that, right?</p> <p>A. Yes.</p> <p>Q. And the other rule is, what we're going to try to do is -- it's kind of like playing catch. I'll ask a question and give you time to answer, and then you go ahead and give your answer, and I'll try to pause. And that way we don't walk on each other because it makes it really hard for Joan, who will then ask us to slow down. Okay?</p> <p>A. Okay.</p> <p>Q. All right. So you're currently an employee of Park County Road & Bridge?</p> <p>A. Yes.</p> <p>Q. And is that out of the Powell shop?</p>
<u>TESTIMONY OF KENNY A. MARCHANT:</u>	<u>PAGE</u>								
Examination by Mr. Keller	4								
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<p style="text-align: right;">6</p> <p>1 A. Yes.</p> <p>2 Q. And how long have you worked for Park</p> <p>3 County Road & Bridge?</p> <p>4 A. Five years as of February of this year,</p> <p>5 so I'm going on my sixth now.</p> <p>6 Q. And when you applied, what position did</p> <p>7 you apply for?</p> <p>8 A. I applied for equipment operator, yeah.</p> <p>9 Q. And prior to working for Road & Bridge,</p> <p>10 who did you work for?</p> <p>11 A. I worked for Marchant Reclamation out of</p> <p>12 high school, which was my dad's company, and I</p> <p>13 worked for him for 18 years or so. And then I</p> <p>14 bought it, and then I sold it back to him. I got</p> <p>15 tired of working on the road and traveling, so I</p> <p>16 sold it back to him. And I tried to find a job</p> <p>17 here local where I could sleep in my own bed every</p> <p>18 night.</p> <p>19 Q. And how many years were you the owner?</p> <p>20 A. Two.</p> <p>21 Q. Two. And what kind of work -- before you</p> <p>22 became an owner, what kind of work were you doing</p> <p>23 for the reclamation company?</p> <p>24 A. Highway. It was highway reclamation,</p> <p>25 operating tractors and small landscaping jobs, that</p>	<p style="text-align: right;">8</p> <p>1 jobs?</p> <p>2 A. I'd say maybe one a year. Primary work</p> <p>3 was the reclamation work.</p> <p>4 Q. So if you had to estimate, about how many</p> <p>5 hours a year were you putting on a skid steer?</p> <p>6 MR. THOMPSON: Over his lifetime or --</p> <p>7 BY MR. KELLER:</p> <p>8 Q. Yeah, each year.</p> <p>9 A. I'm a little confused. Like each year?</p> <p>10 Q. Yes.</p> <p>11 A. Two weeks a year.</p> <p>12 Q. And with the mini excavator, about how</p> <p>13 many hours a year were you running a mini ex?</p> <p>14 A. The same.</p> <p>15 Q. Was that every year that you would have a</p> <p>16 job where you had to run those pieces of equipment?</p> <p>17 A. Most years.</p> <p>18 Q. So it wasn't a regular piece of equipment</p> <p>19 that you were running?</p> <p>20 MR. THOMPSON: Objection as to form.</p> <p>21 BY MR. KELLER:</p> <p>22 Q. All right. Let me back up. So you</p> <p>23 mentioned that you didn't run it every year,</p> <p>24 correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">7</p> <p>1 sort of thing.</p> <p>2 Q. So when you were saying you were</p> <p>3 operating a tractor, what tractor were you</p> <p>4 operating?</p> <p>5 A. John Deere. They were 6000 series John</p> <p>6 Deere.</p> <p>7 Q. About how big is 6000 series John Deere?</p> <p>8 A. Medium to large size tractors.</p> <p>9 Q. And was that the primary piece of</p> <p>10 equipment you were operating?</p> <p>11 A. Yes.</p> <p>12 Q. What sort of attachments were with that?</p> <p>13 A. We had a loader bucket, a grapple for</p> <p>14 grabbing big round bales, large round bales and</p> <p>15 large square bales and pallet forks for loading</p> <p>16 trucks and material.</p> <p>17 Q. Now, in regards to the landscaping, you</p> <p>18 mentioned small landscaping jobs. Can you give a</p> <p>19 better description as to the size and scope?</p> <p>20 A. Large yards, residential yards.</p> <p>21 Q. What type of equipment were you using on</p> <p>22 the residential yards?</p> <p>23 A. Skid steers, excavators -- excuse me,</p> <p>24 mini excavators and hand tools, shovels, rakes.</p> <p>25 Q. How often were you doing landscaping</p>	<p style="text-align: right;">9</p> <p>1 Q. So there were years where you were not</p> <p>2 running the mini excavator or the skid steer?</p> <p>3 MR. THOMPSON: Objection as to form,</p> <p>4 asked and answered.</p> <p>5 BY MR. KELLER:</p> <p>6 Q. Go ahead and answer.</p> <p>7 A. Yes.</p> <p>8 Q. When you hired on with Road & Bridge, did</p> <p>9 you have to demonstrate your ability for operating</p> <p>10 equipment?</p> <p>11 A. No.</p> <p>12 Q. Did you have your commercial driver's</p> <p>13 license when you were hired?</p> <p>14 A. Yes.</p> <p>15 Q. I'm just going to run down and ask you</p> <p>16 about different pieces of equipment. Before you</p> <p>17 hired on with Park County Road & Bridge, did you</p> <p>18 operate a bulldozer?</p> <p>19 A. No.</p> <p>20 Q. Did you operate -- I think it's called a</p> <p>21 sweep or a broom?</p> <p>22 A. No.</p> <p>23 Q. Dump truck and trailer?</p> <p>24 A. Yes.</p> <p>25 Q. Snowplow and sander?</p>

<p style="text-align: right;">10</p> <p>1 A. No.</p> <p>2 Q. Commercial trucks?</p> <p>3 A. Yes.</p> <p>4 Q. Lowboy belly dump?</p> <p>5 A. Belly dump, no.</p> <p>6 Q. Roller?</p> <p>7 A. No.</p> <p>8 Q. Chip spreader?</p> <p>9 A. No.</p> <p>10 Q. Oil distributor?</p> <p>11 A. No.</p> <p>12 Q. Water truck?</p> <p>13 A. No.</p> <p>14 Q. Road grader?</p> <p>15 A. No.</p> <p>16 Q. And you mentioned the mini excavator.</p> <p>17 Any other excavators other than the mini ex?</p> <p>18 A. Large excavator.</p> <p>19 Q. How many hours did you have in the large</p> <p>20 excavator?</p> <p>21 A. It's hard to say. I would be kind of</p> <p>22 guessing. Hundred maybe.</p> <p>23 Q. When did you run the large excavator?</p> <p>24 A. What year?</p> <p>25 Q. Yes. Do you recall?</p>	<p style="text-align: right;">12</p> <p>1 MR. THOMPSON: He's asking what do you</p> <p>2 mean by training.</p> <p>3 BY MR. KELLER:</p> <p>4 Q. Right. Did you get trained to operate</p> <p>5 other equipment when you came to Road & Bridge?</p> <p>6 MR. THOMPSON: He doesn't know what the</p> <p>7 word "training" means.</p> <p>8 A. Yeah. I'm not sure what you mean by</p> <p>9 training. Like somebody would show you this is the</p> <p>10 equipment, this is what we want you to do, and you</p> <p>11 go do it.</p> <p>12 BY MR. KELLER:</p> <p>13 Q. So you said you had not operated a</p> <p>14 bulldozer when you started with Park County; is</p> <p>15 that correct?</p> <p>16 A. Correct.</p> <p>17 Q. And so when you started with Park County,</p> <p>18 did they teach you how to run the bulldozer?</p> <p>19 A. Yes.</p> <p>20 Q. Did they teach you how to run the broom</p> <p>21 and sweep?</p> <p>22 A. Yes.</p> <p>23 Q. Did they teach you how to run the</p> <p>24 snowplow and sander?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">11</p> <p>1 A. I don't recall.</p> <p>2 Q. How often in your current job with Road &</p> <p>3 Bridge do you operate an excavator?</p> <p>4 A. Not very often.</p> <p>5 Q. Could you be a little more descriptive?</p> <p>6 A. I'm not sure what you're asking.</p> <p>7 Q. Well, when you --</p> <p>8 A. On a daily basis or in a month, in a</p> <p>9 year? Like what --</p> <p>10 Q. Yeah. In a year, about how often do you</p> <p>11 run an excavator?</p> <p>12 A. Maybe one time.</p> <p>13 Q. And when you came to Road & Bridge, were</p> <p>14 you provided training on any of the equipment I</p> <p>15 mentioned above?</p> <p>16 A. Like the day I was hired did I get any</p> <p>17 training or --</p> <p>18 Q. Just over the time since you've been</p> <p>19 there.</p> <p>20 A. What do you mean by training?</p> <p>21 Q. Well, I'll just go through the list again</p> <p>22 with you if you don't mind, then.</p> <p>23 MR. THOMPSON: I think he's asking -- the</p> <p>24 objection would be vagueness.</p> <p>25 MR. KELLER: Oh, vagueness.</p>	<p style="text-align: right;">13</p> <p>1 Q. Did they have to teach you how to run the</p> <p>2 mower?</p> <p>3 A. No.</p> <p>4 Q. Did they have to teach you how to run the</p> <p>5 belly dump?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have to learn how to run the</p> <p>8 roller?</p> <p>9 A. Yes.</p> <p>10 Q. Did the Road & Bridge teach you how to</p> <p>11 run the chip spreader?</p> <p>12 A. Yes.</p> <p>13 Q. Did Road & Bridge teach you how to run</p> <p>14 the oil distributor?</p> <p>15 A. No.</p> <p>16 Q. And did Road & Bridge teach you how to</p> <p>17 run the water truck?</p> <p>18 A. Yes.</p> <p>19 Q. Has Road & Bridge spent the time teaching</p> <p>20 you how to run the road grader?</p> <p>21 A. Yes.</p> <p>22 Q. Did they have to take time with you to</p> <p>23 teach you how to run the large excavator?</p> <p>24 A. Nobody ever trained me in the excavator,</p> <p>25 no.</p>

<p style="text-align: right;">14</p> <p>1 Q. Do you recall if you were hired on as an 2 operator 1 or operator 2? 3 A. Operator 2. 4 Q. And which shop did you start working at 5 when you hired on? 6 A. The Cody -- or the Powell shop. Sorry. 7 Q. And was Star already working at the 8 Powell shop when you started? 9 A. Yes. 10 Q. Was there anybody else that started at 11 the same time you did when you were hired on? 12 A. Not at the Powell shop. 13 Q. Do you know if there was anybody that was 14 hired on at the same time in the Cody shop? 15 A. There was two people that I remember, 16 Greg Torczon and Mark Norton. 17 Q. And you say Greg who? 18 A. Torczon. 19 Q. And what was the other one? 20 A. Mark Norton. 21 Q. Norton. 22 Have you had the opportunity since you've 23 been at the Powell shop to work around Starkie 24 Cornett? 25 A. Yes.</p>	<p style="text-align: right;">16</p> <p>1 truck? 2 A. What was the question on the dump truck? 3 Q. The dump truck, have you seen her run the 4 dump truck? 5 A. Oh, yes. 6 Q. And from your observations, did she 7 appear to be a competent equipment operator? 8 MR. THOMPSON: Objection to form, 9 foundation. 10 BY MR. KELLER: 11 Q. Go ahead and answer. 12 A. Yes. 13 Q. And when you were hired on, was her skill 14 level the same as yours? 15 MR. THOMPSON: Objection as to form. 16 A. That's a hard question to answer. I 17 can't answer that. 18 BY MR. KELLER: 19 Q. And since you've been at Road & Bridge, 20 you said you've been getting trained in the grader? 21 MR. THOMPSON: Objection to form, 22 misstates his testimony. 23 A. Yes. 24 BY MR. KELLER: 25 Q. And are you still being trained in the</p>
<p style="text-align: right;">15</p> <p>1 Q. And when you were hired on, did you 2 observe her operate equipment? 3 A. Have I -- did I see her operate 4 equipment? 5 Q. Yes. 6 A. Yes. 7 Q. Do you recall what type of equipment you 8 observed her operating when you were hired on? 9 A. Belly dump with a tractor, truck, loader, 10 a mower, and I believe that's it. 11 Q. Do you know if she was also operating a 12 broom and sweep at that point in time? 13 A. I don't recall seeing her run the 14 sweeper. 15 Q. Okay. Dozer? 16 A. No. 17 Q. Did you ever see her operate the grader? 18 A. Yes. 19 Q. Snowplow and sander? 20 A. Yes. 21 Q. The roller? 22 A. Yes. 23 Q. Chip spreader? 24 A. No. 25 Q. And I forgot. Did you say the dump</p>	<p style="text-align: right;">17</p> <p>1 grader? 2 MR. THOMPSON: Same objection. 3 A. Am I still being trained? 4 BY MR. KELLER: 5 Q. Yeah. 6 A. I would say I've been trained, and I'm 7 grading on my own now. 8 Q. And who trained you? 9 A. Tim Morrison. 10 Q. Was there anybody else that took part in 11 training you on how to operate the grader? 12 A. Chris Carter. 13 Q. When did you start learning how to run 14 the road grader? 15 A. I don't remember the exact date or -- two 16 and a half years ago. 17 Q. Do you know if Starkie Cornett was 18 getting any training on the road grader? 19 MR. THOMPSON: Objection as to form. 20 A. Yes, she was. 21 BY MR. KELLER: 22 Q. Do you have knowledge of when that 23 occurred? 24 A. Around the same time. 25 Q. Do you recall who was providing the</p>

<p style="text-align: right;">18</p> <p>1 training?</p> <p>2 A. Rowdy, Rowdy Briggs.</p> <p>3 Q. Do you know if Starkie Cornett was</p> <p>4 getting training on any other equipment besides the</p> <p>5 grader?</p> <p>6 MR. THOMPSON: Same objection.</p> <p>7 A. No.</p> <p>8 BY MR. KELLER:</p> <p>9 Q. So you don't have knowledge of whether</p> <p>10 she was or not?</p> <p>11 A. No.</p> <p>12 Q. I want to switch gears a bit. Do you</p> <p>13 know what comp time is, compensation time?</p> <p>14 A. Yes.</p> <p>15 Q. Can you explain that to me?</p> <p>16 A. It's when you get hours above your 40</p> <p>17 hours of the week, and rather than getting paid</p> <p>18 overtime, you can get comp time and use those as</p> <p>19 your -- for days you take off.</p> <p>20 Q. Is that sort of like, another descriptor</p> <p>21 I guess from my understanding, would be you're</p> <p>22 building up time, you're banking time as in for</p> <p>23 like taking a day off vacation time kind of?</p> <p>24 A. Yes.</p> <p>25 Q. Are you provided with comp time when you</p>	<p style="text-align: right;">20</p> <p>1 Q. Yes.</p> <p>2 A. The sweep, yes. The mower, no.</p> <p>3 Q. When you're running the sweep, is that</p> <p>4 something that you'd operate by yourself?</p> <p>5 A. Yes.</p> <p>6 MR. THOMPSON: Just for clarification of</p> <p>7 the record, you mean operating the equipment?</p> <p>8 MR. KELLER: Yes.</p> <p>9 BY MR. KELLER:</p> <p>10 Q. Would there be other people around you</p> <p>11 from Road & Bridge when you're operating the --</p> <p>12 well, let me back up. Can you give me a</p> <p>13 description of what you're doing when you're</p> <p>14 running the sweep?</p> <p>15 A. I guess I don't understand your question.</p> <p>16 What --</p> <p>17 Q. Yeah. Describe what the sweep is and</p> <p>18 what you're doing when you're operating a sweep.</p> <p>19 A. Well, there's one person that sits in the</p> <p>20 sweeper that runs it, and you may be sweeping an</p> <p>21 intersection, you might be sweeping for chipping</p> <p>22 during chip seal. Is that what you're looking for?</p> <p>23 Q. Yeah. What is a sweep?</p> <p>24 A. It's a broom.</p> <p>25 Q. So the reason I'm asking is for the</p>
<p style="text-align: right;">19</p> <p>1 ask for it?</p> <p>2 A. Yes. You mean when I -- I don't ever ask</p> <p>3 for comp time, but if I'm asked to work a day, I'm</p> <p>4 allowed to have the comp time if I want it.</p> <p>5 Q. So to clarify, you're asked to come in</p> <p>6 for extra time, and you don't ask for extra time is</p> <p>7 what you're saying?</p> <p>8 A. Right.</p> <p>9 Q. Okay.</p> <p>10 A. But if -- yes.</p> <p>11 Q. I think that was a bad question. So just</p> <p>12 to clarify, you're asked to come in for overtime?</p> <p>13 A. Occasionally, yes.</p> <p>14 Q. And when you come in on overtime, are you</p> <p>15 operating equipment by yourself?</p> <p>16 A. No.</p> <p>17 Q. Is that because you're working on</p> <p>18 projects or --</p> <p>19 A. Yes.</p> <p>20 Q. Have you been around when Star has</p> <p>21 requested overtime for comp time?</p> <p>22 A. I don't recall.</p> <p>23 Q. And you've run the sweep and mower,</p> <p>24 correct?</p> <p>25 A. Here?</p>	<p style="text-align: right;">21</p> <p>1 record, if you can describe it for the record, what</p> <p>2 the machinery looks like and what it does.</p> <p>3 A. It's a piece of equipment with a cab on</p> <p>4 it, and then down below it's got a broom that</p> <p>5 turns. You can raise the broom up and down, and</p> <p>6 it's got a BTO to engage it in to make it turn, to</p> <p>7 make the broom turn.</p> <p>8 Q. And that's for cleaning up the street,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And there's times when you're operating</p> <p>12 that piece of equipment, and no one else from</p> <p>13 Road & Bridge is there?</p> <p>14 A. Can be, yes.</p> <p>15 Q. If you were operating a sweep on comp</p> <p>16 time, would there be any difference between how it</p> <p>17 would be operated during the regular week?</p> <p>18 MR. THOMPSON: Objection as to form.</p> <p>19 A. No.</p> <p>20 BY MR. KELLER:</p> <p>21 Q. Do you know if Del Ray Paco allowed Star</p> <p>22 to have overtime or comp time?</p> <p>23 A. No, I don't know.</p> <p>24 Q. When it comes to equipment maintenance or</p> <p>25 breakdowns, how do you -- what's the normal</p>

<p style="text-align: right;">22</p> <p>1 procedure for getting it taken care of?</p> <p>2 A. If you break -- if you break something or</p> <p>3 if you -- could you repeat that question again,</p> <p>4 please?</p> <p>5 Q. Right. Do you notice -- for maintenance</p> <p>6 or a breakdown, how do you normally deal with that</p> <p>7 maintenance issue?</p> <p>8 A. You contact Paco and let him know that</p> <p>9 it's time for that equipment to be maintained,</p> <p>10 and then you go back to the shop and maintenance</p> <p>11 it.</p> <p>12 Q. Do you ever contact the mechanic</p> <p>13 directly?</p> <p>14 A. Typically Paco.</p> <p>15 Q. Back when you were hired on in 2019,</p> <p>16 2020, was Star Cornett operating the same equipment</p> <p>17 that you were?</p> <p>18 MR. THOMPSON: Objection as to form,</p> <p>19 foundation.</p> <p>20 A. Could you repeat that again?</p> <p>21 BY MR. KELLER:</p> <p>22 Q. So back in 2019 and 2020 when you</p> <p>23 observed Star Cornett operating equipment --</p> <p>24 A. Was she running the same equipment I was?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">24</p> <p>1 A. I was at the batch plant in an end dump,</p> <p>2 and I backed up and caught the bumper on a concrete</p> <p>3 barrier wall and bent the bumper up on a truck.</p> <p>4 Q. Do you recall when that happened?</p> <p>5 A. I want to say spring of last year, summer</p> <p>6 of last year.</p> <p>7 Q. Have you ever observed Del Ray Paco</p> <p>8 calling Starkie Cornett sweetie?</p> <p>9 A. No.</p> <p>10 Q. Have you ever observed Del Ray Paco</p> <p>11 saying women should not be operating equipment?</p> <p>12 A. No.</p> <p>13 MR. KELLER: One second, Tom.</p> <p>14 BY MR. KELLER:</p> <p>15 Q. And in regards to Del Ray Paco, does he</p> <p>16 treat Star Cornett the same way as he does the rest</p> <p>17 of the crew?</p> <p>18 MR. THOMPSON: Objection as to form.</p> <p>19 A. As far as I've noticed, yeah.</p> <p>20 BY MR. KELLER:</p> <p>21 Q. And you've noticed no difference?</p> <p>22 MR. THOMPSON: Asked and answered.</p> <p>23 A. No.</p> <p>24 MR. KELLER: Just give me a second, Tom.</p> <p>25 (Whereupon, a recess was taken at 9:42</p>
<p style="text-align: right;">23</p> <p>1 A. For the most part, yes.</p> <p>2 Q. Have you had a chance to see your</p> <p>3 personnel file?</p> <p>4 A. Could you be more specific on that,</p> <p>5 personnel file?</p> <p>6 Q. Yeah, your personnel file here at Road &</p> <p>7 Bridge, have you had a chance to see your personnel</p> <p>8 file?</p> <p>9 A. No.</p> <p>10 Q. Have you ever had any accidents while</p> <p>11 operating equipment here at Road & Bridge?</p> <p>12 A. Yes.</p> <p>13 Q. Were you disciplined for those accidents?</p> <p>14 A. Define disciplined. Like disciplined</p> <p>15 how?</p> <p>16 MR. THOMPSON: Thanks. You saved me an</p> <p>17 objection.</p> <p>18 BY MR. KELLER:</p> <p>19 Q. Do you know if you had a formal written</p> <p>20 discipline against you?</p> <p>21 A. I don't know.</p> <p>22 Q. So you don't know if that was included in</p> <p>23 your personnel file?</p> <p>24 A. Don't know.</p> <p>25 Q. What was the accident?</p>	<p style="text-align: right;">25</p> <p>1 and subsequently reconvened at 9:45.)</p> <p>2 BY MR. KELLER:</p> <p>3 Q. So getting back to the equipment</p> <p>4 maintenance, who typically checks your equipment?</p> <p>5 A. We do. Like before we go out for the</p> <p>6 day?</p> <p>7 Q. Uh-huh.</p> <p>8 A. We do.</p> <p>9 Q. And by we, you mean each individual</p> <p>10 operator?</p> <p>11 A. Each individual operator, yes.</p> <p>12 Q. And do you do your own checks, then?</p> <p>13 A. Yes.</p> <p>14 Q. And is Star allowed to check her own</p> <p>15 equipment?</p> <p>16 MR. THOMPSON: Objection as to form.</p> <p>17 A. Yes.</p> <p>18 BY MR. KELLER:</p> <p>19 Q. Have you seen anybody told to check her</p> <p>20 equipment?</p> <p>21 A. No.</p> <p>22 Q. Have you ever observed Del Ray Paco going</p> <p>23 out and checking her equipment for her?</p> <p>24 A. No.</p> <p>25 Q. And prior to today or this morning, what</p>

<p style="text-align: right;">26</p> <p>1 did you do for preparing for your depositions?</p> <p>2 A. I didn't really do anything to prepare.</p> <p>3 I just came to work and got in the pickup and came</p> <p>4 up here.</p> <p>5 Q. Did you meet with anybody last week in</p> <p>6 preparation for your depositions?</p> <p>7 A. Yes.</p> <p>8 Q. And was that your -- besides the</p> <p>9 attorney, anybody else?</p> <p>10 A. No.</p> <p>11 MR. KELLER: I don't have any further</p> <p>12 questions, Tom.</p> <p>13 <u>EXAMINATION</u></p> <p>14 <u>QUESTIONS BY MR. THOMPSON:</u></p> <p>15 Q. I have a couple of follow-up questions,</p> <p>16 Kenny. You talked about working reclamation work,</p> <p>17 and my understanding is that you worked for your</p> <p>18 father who had a reclamation business while you</p> <p>19 were in high school. Is that correct?</p> <p>20 A. I did a little in high school, yes.</p> <p>21 Q. And then you also worked for him after</p> <p>22 high school for approximately 18 years?</p> <p>23 A. Correct.</p> <p>24 Q. And did that reclamation involve highway</p> <p>25 reclamation primarily?</p>	<p style="text-align: right;">28</p> <p>1 Q. -- that you were doing for your father?</p> <p>2 A. Yes.</p> <p>3 Q. You mentioned operating both a skid steer</p> <p>4 and a mini excavator, and you estimated</p> <p>5 approximately two weeks a year most years. When</p> <p>6 you got hired on with Road & Bridge, would you have</p> <p>7 considered yourself proficient in the operation of</p> <p>8 a skid steer?</p> <p>9 A. Yes.</p> <p>10 Q. Would you have considered yourself</p> <p>11 proficient in the operation of a mini excavator?</p> <p>12 A. Yes.</p> <p>13 Q. Counsel asked you some questions about</p> <p>14 training, and I think you had a question back that</p> <p>15 I don't understand what training means, and that</p> <p>16 was never defined for you. How would you define</p> <p>17 what training you received on various equipment for</p> <p>18 Road & Bridge?</p> <p>19 A. Basically, you would get shown the</p> <p>20 equipment and kind of get a briefing on the</p> <p>21 controls inside and told what to do, and then you</p> <p>22 go do it.</p> <p>23 Q. So less than 10, 15 minutes tops?</p> <p>24 A. I would say yes, 10 minutes.</p> <p>25 Q. You weren't taken aside for a week and</p>
<p style="text-align: right;">27</p> <p>1 A. Yes.</p> <p>2 Q. And there was also, you mentioned, small</p> <p>3 landscaping jobs that went along with that?</p> <p>4 A. Yes.</p> <p>5 Q. You described some of the equipment,</p> <p>6 including a 6000 series tractor that you operated.</p> <p>7 Did you operate any trucks while working</p> <p>8 reclamation work?</p> <p>9 A. Yes.</p> <p>10 Q. What sort of trucks?</p> <p>11 A. We had trucks that we hauled all of our</p> <p>12 equipment from job to job with.</p> <p>13 Q. And what sort of trucks were those?</p> <p>14 A. They were large tractor trucks,</p> <p>15 Freightliner, Freightliners.</p> <p>16 Q. Tractor-trailer -- or a tractor-trailer</p> <p>17 and a tractor combination?</p> <p>18 A. Yes. We had 48-foot flatbed trailers and</p> <p>19 a 53-foot flatbed trailer for hauling straw, square</p> <p>20 bales and round bales.</p> <p>21 Q. When did you get your CDL?</p> <p>22 A. When I was 20, approximately.</p> <p>23 Q. Was that required as part of the</p> <p>24 reclamation work and truck hauling --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">29</p> <p>1 said, this is a piece of equipment, and I'm going</p> <p>2 to train you how to operated on this rig? That</p> <p>3 didn't happen?</p> <p>4 A. No.</p> <p>5 Q. And as far as your observations about</p> <p>6 Ms. Cornett, my understanding of how Road & Bridge</p> <p>7 works is you come in in the morning, you know what</p> <p>8 your assignment's going to be or you receive it</p> <p>9 that morning, and you go operate equipment. You're</p> <p>10 not observing Ms. Cornett every day, are you?</p> <p>11 A. No.</p> <p>12 Q. There's times that she's doing things</p> <p>13 that you're not present in the same location.</p> <p>14 Would that be fair?</p> <p>15 A. Yes.</p> <p>16 Q. You mentioned -- there was discussion</p> <p>17 about comp time, and you informed counsel that you</p> <p>18 don't ask for comp time, but there are events which</p> <p>19 result in comp time. Has that primarily been snow</p> <p>20 events --</p> <p>21 A. Yes.</p> <p>22 Q. -- where you get called in because of a</p> <p>23 storm and the requirement that you need to plow</p> <p>24 roads?</p> <p>25 A. Mainly, yes.</p>

<p style="text-align: right;">30</p> <p>1 Q. Do you know who Brian Edwards is?</p> <p>2 A. I do, yes.</p> <p>3 Q. He's with us here today. He's the county</p> <p>4 engineer?</p> <p>5 A. Yes.</p> <p>6 Q. Were you personal friends with Brian</p> <p>7 Edwards before hiring on with the County?</p> <p>8 A. No.</p> <p>9 Q. Did you have any social relationship --</p> <p>10 MR. KELLER: I'm going to just object.</p> <p>11 It's beyond the scope.</p> <p>12 BY MR. THOMPSON:</p> <p>13 Q. Were you a social friend or social</p> <p>14 acquaintance with Brian Edwards before hiring on?</p> <p>15 A. No.</p> <p>16 Q. Did you interview for your position with</p> <p>17 Park County Road & Bridge?</p> <p>18 A. Yes.</p> <p>19 MR. THOMPSON: I don't have any further</p> <p>20 questions.</p> <p>21 <u>FURTHER EXAMINATION</u></p> <p>22 <u>QUESTIONS BY MR. KELLER:</u></p> <p>23 Q. All right. Getting back to -- I want to</p> <p>24 talk to you a little bit about the reclamation.</p> <p>25 This has been brought up. Can you describe what</p>	<p style="text-align: right;">32</p> <p>1 I'll give you the address after.</p> <p>2 (Whereupon, the deposition was concluded</p> <p>3 at 9:55 a.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">31</p> <p>1 reclamation is, what highway reclamation is, what</p> <p>2 you did?</p> <p>3 A. Well, when they -- when -- highway</p> <p>4 reclamation is when they go in and build a road or</p> <p>5 an existing road, when they do work on it, anything</p> <p>6 they disturb in the highway right-of-way has to be</p> <p>7 reclaimed, reseeded. So you go in there. You'll</p> <p>8 disk it up, drill-seed it with grain drills like</p> <p>9 farmers use, and then fertilize it and then blow</p> <p>10 straw on it for mulch. And if it's too steep for</p> <p>11 mulch, you'll hydroseed it or lay erosion blanket</p> <p>12 on it.</p> <p>13 Q. And that's mainly done with the tractor?</p> <p>14 A. Multiple tractors, yes, four to five.</p> <p>15 Q. And regarding the comp time, do you know</p> <p>16 of other people that come in on weekends to get</p> <p>17 comp time?</p> <p>18 A. What do you mean by come in? Just like</p> <p>19 come in on their own without asking or --</p> <p>20 Q. Yeah. Let me back up. Do you know</p> <p>21 people that just ask for overtime to get comp time?</p> <p>22 A. I don't.</p> <p>23 MR. KELLER: I don't have any further</p> <p>24 questions.</p> <p>25 MR. THOMPSON: We'll read and sign, and</p>	<p style="text-align: right;">33</p> <p>1 <u>CERTIFICATE OF WITNESS</u></p> <p>2 I, KENNY A. MARCHANT, being first duly</p> <p>3 sworn, depose and say:</p> <p>4 That I am the witness named in the</p> <p>5 foregoing deposition consisting of pages 1 through</p> <p>6 32; that I have read said deposition and know the</p> <p>7 contents thereof; that the questions contained</p> <p>8 therein were propounded to me; and that the answers</p> <p>9 therein contained are true and correct except for</p> <p>10 any changes that I may have listed on the Change</p> <p>11 Sheet attached hereto.</p> <p>12 Dated this _____ day of _____ 2024.</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 KENNY A. MARCHANT</p> <p>17</p> <p>18 SUBSCRIBED AND SWORN to before me this</p> <p>19 _____ day of _____ 2024.</p> <p>20</p> <p>21 _____</p> <p>22 NAME OF NOTARY PUBLIC</p> <p>23 NOTARY PUBLIC FOR _____</p> <p>24 RESIDING AT _____</p> <p>25 MY COMMISSION EXPIRES _____</p>

1	<u>CHANGE SHEET FOR KENNY A. MARCHANT</u>			34
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17:16, 26:22, 28:5
Yellowtail ^[1] - 2:10
yourself ^[4] - 19:15,
20:4, 28:7, 28:10

Exhibit 6:

Arthur Briggs Deposition Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STARKIE CORNETT,
Plaintiff,
V.) 22-CV-00034
PARK COUNTY BOARD OF COUNTY)
COMMISSIONERS and PARK COUNTY)
ROAD AND BRIDGE DIVISION OF)
THE PUBLIC WORKS DEPARTMENT,)
Defendants.)
-----)

March 14, 2024

Remote oral deposition of Arthur Briggs
conducted via Zoom in the State of Wyoming,
commencing at 12:56 p.m. on the above date,
before Barbara Morgenweck, Registered
Professional Reporter, Realtime Reporter and
Notary Public.

MORGENWECK COURT REPORTING

307.250.0220 ph

Barbcourtreporter@gmail.com

1 APPEARANCES:

2

3 On behalf of the Plaintiff:

4

5 Marshall E. Keller
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7 116 N 5th St
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10 Marshall@kellerlawpc.com

8

9 On behalf of Defendant:

9

10 Thomas A. Thompson
11 MaryBeth Oatsvall
12 WYOMING LOCAL GOVERNMENT LIABILITY POOL
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14

15 Also Present:

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17 Brian Edwards

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EXAMINATION INDEX

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Examination by Mr. Thompson	23

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1 ARTHUR BRIGGS,

2 Having first been duly sworn, testified
3 as follows:

4 EXAMINATION.

5 Q. Mr. Briggs, can you, for the record,
6 state your full name?

7 A. Arthur Rowdi Briggs.

8 Q. What do you prefer being called by?

9 A. Rowdi, please.

10 Q. All right. So Rowdi, this deposition,
11 this is my one chance to get to talk to you and
12 just ask some questions to get information.
13 With this, there is a couple rules we need to
14 follow. I got to follow them as best I can, as
15 well.

16 The first one is, this is kind of like
17 playing catch, you know, there will be a
18 question. I ask that you give a pause, and then
19 give an answer. And I will try to do the same
20 when you're giving an answer, I will try not to
21 interrupt. Sometimes it makes it kind of hard,
22 you know, because we're used to just having a
23 normal conversation, but one, we have
24 technology; two, we have a court reporter here
25 who is trying to record what we're saying, so is

1 that something that you agree on doing?

2 A. Yep.

3 Q. The other is just -- and this has come
4 up in the other depositions as well, so you just
5 swore under oath and do you understand what that
6 oath means?

7 A. Yes.

8 Q. In your own words, what does the oath
9 mean to you?

10 A. Well, don't lie, tell the truth, answer
11 questions.

12 Q. This has also been brought up in all the
13 other depositions that being under oath means
14 that if you are found to be lying or being
15 dishonest, there is -- we call it you're causing
16 perjury. Do you understand what perjury means?

17 A. Yes.

18 Q. In your own words, what does that mean?

19 A. Lying, not telling the truth for what I
20 wrote down, or whatever, so.

21 Q. And for causing perjury or committing
22 perjury, there is always the chance that there
23 could be a repercussions from that. Do you
24 understand that?

25 A. Yes.

1 Q. So I want to dive a bit in your
2 background here. And when did you start working
3 for Road & Bridge?

4 A. Would have been the first March, seven
5 years ago, which would have been 2017, 2018.

6 Q. Before working for the County of Park
7 Road & Bridge, what experience -- what was your
8 work history?

9 A. Well, excuse me. Something blinked on
10 me. What was that?

11 Q. What was your work history prior to
12 coming to Road & Bridge?

13 A. Running a back truck in an oil field,
14 dump trucking, hauling equipment, pretty much
15 oil field.

16 Q. Was that mostly CDL trucking work?

17 A. Yes. HAZMAT and tankers, endorsement
18 under CDL.

19 Q. Besides working the oil fields, did
20 you -- what other experience did you have
21 running equipment?

22 A. Farming.

23 Q. By farming, can you -- give a little
24 more detail as to what equipment you were using
25 on the farm?

1 A. Tractors, driving trucks, CDL trucks,
2 operating combines, anything you do on a farm,
3 baling hay, stacking hay, you name it; working
4 cattle.

5 Q. When you were hired on with Park County
6 Road & Bridge, do you recall what rate you were
7 hired -- pay grade you were hired at?

8 A. Not right offhand, I don't. It was 13,
9 the low. I think 13 and a quarter, I think
10 13.50, somewhere in there.

11 Q. Were you hired on as an Equipment
12 Operator I?

13 A. Yep.

14 Q. Do you recall when you made Equipment
15 Operator II?

16 A. I would say the second year, 2018.

17 Q. Did you say -- I am sorry?

18 A. 2018.

19 Q. 2018?

20 A. In July, I should say.

21 Q. When you made Equipment Operator II, was
22 that before or after Star Cornett came to work
23 in the Powell shop?

24 A. It was before.

25 Q. When you were hired on with Park County

1 Road & Bridge, do you recall filling out an
2 application?

3 A. Yep.

4 Q. Okay. And do you recall what
5 equipment -- well, let me rephrase that.

6 Do you recall if you had to list
7 equipment and experience that you had running
8 that equipment on your application?

9 A. Yes, I did.

10 Q. Do you -- can you tell me, or do you
11 remember what equipment that you listed on your
12 application?

13 A. I listed vac trucks and trailers because
14 the John Deere loaders and John Deere backhoes,
15 any kind of equipment on the farm, and various
16 trucks, so other than that, that's about all I
17 can remember.

18 Q. So I want to ask you questions about --
19 a little bit about your time at Road & Bridge
20 and training. I am just going to go through a
21 list here of equipment, if you don't mind. I am
22 just going to ask you if you had to have
23 training on any of this equipment, okay?

24 A. Okay.

25 Q. So when you showed up at -- when -- let

1 me rephrase that.

2 So did you require training to learn how
3 to use the oil distributor?

4 A. I did, yes.

5 Q. Did you require training on the dump
6 truck?

7 A. No, but I got it -- they rode with you.

8 Q. Did you require training on the belly
9 dump?

10 A. Yes.

11 Q. On the small water truck?

12 A. Yes.

13 Q. Did you require training on the water
14 tanker?

15 A. No, because I had ran one so.

16 Q. Did you require training on how to run
17 the tool carrier?

18 A. No.

19 Q. Did you require training on how to run
20 the loader?

21 A. No.

22 Q. Did you need any training on how to run
23 the backhoe?

24 A. No.

25 Q. Did you need any training on how to run

1 the excavator?

2 A. Yes.

3 Q. Did you need training on how to run the
4 dozer?

5 A. Yes.

6 Q. Did you need training on how to run the
7 motor grader?

8 A. Yes.

9 Q. Did you need training on how to run the
10 roller?

11 A. Yes.

12 Q. Did you need any training on how to run
13 the mower?

14 A. Yes.

15 Q. Did you need training on how to run the
16 broom?

17 A. Yes.

18 Q. Did you need any training on how to run
19 the chipper?

20 A. No, because I have never ran the chipper
21 so, never even been on it.

22 Q. I got to ask you this. We have heard
23 this word "chipper" a few times here in these
24 depositions. What is a chipper?

25 A. A chipper is like when you got the

1 pavement or old county roads, and they go
2 through and put the little chips down, and you
3 will see the -- I don't know, you have been on
4 the highway, and you've seen where they got the
5 signs that say "fresh oil," or "fresh chips,"
6 slow down 20, 25 miles-an-hour. You're just
7 going out there, they are spraying the oil down
8 in front of it, they are spreading chips over
9 the top of it. It just gives it a new seal on
10 top, new surface to run on.

11 Q. Okay. Now in regards to the training,
12 when you're talking about training on these
13 various pieces of equipment, did someone
14 actually come out and show you how to operate
15 this equipment?

16 A. Yes.

17 Q. Was that in any -- typically in any
18 piece of equipment, what did that -- what did
19 that look like?

20 A. Well, whichever piece of equipment you
21 can get into with somebody, they rode with me.
22 Other than that, it was you got in, sat down.
23 You went through the process of what every lever
24 does, how to start it, how to check the oil, all
25 that stuff to begin with, you know.

1 And basically, you know, how to move it
2 forward and back and set the blade down,
3 whatever you're doing. So I mean, it wasn't
4 like they -- and then they stood around, and if
5 you had a question, they'd come to your spot, go
6 ask them. They just didn't leave you or do
7 anything. They were there all the time.

8 So until you got comfortable feeling
9 like you could run it, you know, whichever piece
10 of equipment it was. I mean, trucks, trucks are
11 pretty easy for me to figure out. The motor
12 grader was tough. I guess I'm doing all right.
13 They haven't pulled me out of it yet, so.

14 Q. Is that typically the same process used
15 for the other employees as well?

16 A. Yes, it is.

17 Q. So do you recall when Star came to the
18 Powell shop from Cody?

19 A. Yes. I don't know the exact time or
20 date or anything, but I remember her coming.

21 Q. When she came from the Cody shop, did
22 you get an opportunity to observe her operating
23 equipment?

24 A. Yeah.

25 Q. How did you end up getting time to

1 observe Star operating equipment?

2 A. Well, you passed by her you know. You
3 asked questions, I mean. I don't -- say, you
4 get in the truck and you showed her what she
5 needed to be doing, but she'd already ran most
6 of the trucks by the time she got to Powell.

7 So the mower she hadn't ran, and I
8 didn't get in on that. She'd ran broom before.
9 I actually taught her how to run a motor grader.
10 So I mean, that's, as far as I know, that's
11 about what you can do.

12 Q. Do you recall what equipment you've
13 seen -- well, let's say by fiscal year, by July
14 of 2019, do you recall what equipment you had
15 seen Star operate?

16 A. The dump truck, the belly dumps, the
17 brooms, the mower, then of course the dump truck
18 set up with the snowplows and all of the
19 sanders. Right offhand, that is all I can think
20 of. Water truck, both water trucks.

21 Q. Okay. Did you see her -- get a chance
22 to see her run the loader?

23 A. Yes. Yes, I did. Excuse me. The tool
24 carrier ran the loader.

25 Q. What about the dozer?

1 A. No.

2 Q. Roller?

3 A. Yep. She was in the roller.

4 Q. I don't -- yeah, you did mention the
5 belly dump. Water truck?

6 A. Yep, both of them that we have, she was
7 in. We got 150-barrel transport truck that
8 she's been in too, so.

9 Q. And operating the equipment that you
10 listed, did she appear that she was a competent
11 operator?

12 A. Yes.

13 Q. Do you believe she was competent enough
14 to be an Equipment II Operator by that time?

15 MR. THOMPSON: Objection to form, vague,
16 foundation.

17 BY MR. KELLER:

18 Q. Go ahead and answer, in your opinion. I
19 will rephrase that so.

20 In your opinion, do you believe she had
21 the skills to be an Equipment Operator II?

22 MR. THOMPSON: Objection to form,
23 foundation, vague as to time.

24 BY MR. KELLER:

25 Q. Go ahead, Mr. Edwards, you can answer.

1 I am sorry, not Edwards, but Rowdi. For some
2 reason, it is showing Edwards underneath Rowdi's
3 name.

4 A. I would say, yeah.

5 Q. Now you mentioned that you had been
6 training Star on the grader?

7 A. Yes.

8 Q. Do you recall when that happened?

9 A. A year ago.

10 Q. That was in 2023?

11 A. I'd say 2022, excuse me, two years ago.

12 Q. Was that the same time that Kenny
13 Marchant was getting trained on the grader?

14 A. Uh-huh. Yes.

15 Q. Who -- were you training both Kenny
16 Marchant and Star at the same time?

17 A. No, I trained Star.

18 Q. Who was training Kenny Marchant?

19 A. Tim Morrison.

20 Q. Did you observe Kenny Marchant as he was
21 going through his training?

22 A. Nope.

23 Q. During Star's training on the grader, I
24 mean, was she picking it up as far as skill?

25 A. Yes.

1 Q. Did you observe her struggling with the
2 grader?

3 A. The only time I seen her struggle was
4 when we'd have to pull the borrow pits, and
5 she'd struggle at that, but other than that, no.

6 Q. Did Delray Paco ever come out to watch
7 her while you were training?

8 A. Nope.

9 Q. Do you know if Delray Paco Jones ever
10 told her to operate it differently than the way
11 you had trained her to operate the grader?

12 A. Nope, I don't.

13 Q. Did Delray Paco Jones ever ask you your
14 opinion about Star running the grader?

15 A. Yes.

16 Q. And what was your advice, or what did
17 you -- what was your opinion?

18 A. She needed time, but she could do it.

19 Q. You mentioned a bit that when you
20 started with the grader, you struggled a bit as
21 well?

22 A. Yes.

23 Q. Was it time that improved your
24 operating -- operations of the grader?

25 A. Yes.

1 Q. About how long, how much time was she
2 given in the grader?

3 A. I think seven days, I think.

4 Q. I think you answered this, but I am
5 going to ask, was there any other equipment that
6 you remember that you have trained Star on?

7 A. The big water trailer, I trained Star on
8 it, and nothing else, so.

9 Q. And I am going to switch subjects here
10 and ask you a little bit about comp time. What
11 is your understanding of how the comp time
12 process works and what it is?

13 A. Well, comp time, you can take -- it's
14 your overtime hours, like, if you work 11 hours
15 one day, you can take that one hour of comp
16 time, -- one hour of time and turn it to comp,
17 which gives you an hour-and-a-half, and you can
18 use comp time anytime as long as you have it.

19 Q. So would the way you would get comp time
20 would be coming in like on a Friday or a
21 Saturday to do extra work?

22 A. Extra work, yes.

23 Q. Is that something employees ask for?

24 A. I guess. We've never done it over in
25 Powell. I don't know what they do in Cody, so

1 but I mean if there is something to do like
2 sweeping or mowing, you can ask if Paco will
3 allow it, yes, you could do it. I have never
4 done it so.

5 Q. Is there -- well, like sweeping and
6 mowing, is that -- is there -- is that something
7 that falls behind during part of the year?

8 MR. THOMPSON: Objection to form.

9 THE WITNESS: Yeah.

10 BY MR. KELLER:

11 Q. By falling behind, is that something
12 where there is -- it seems like there's more --
13 the work isn't being kept up on as far as
14 running the mower?

15 MR. THOMPSON: Same objection. Go ahead
16 and answer if you can.

17 THE WITNESS: Yeah, we do.

18 BY MR. KELLER:

19 Q. Same with running the broom. Is it --
20 well, let me back up.

21 So as far as, let's say, mowing the
22 ditches; is there like a schedule that's set up
23 for mowing the ditches?

24 A. No, there's not.

25 Q. Is that just -- how is it determined

1 that ditches need to be mowed?

2 A. We mow the ditches on all the paved
3 roads. Every year, we mow them back to keep the
4 snowdrifts back. So if you end up with a wet
5 flow and everything regrows, you end up
6 re-mowing again to the best you can. So there's
7 really no schedule. It's just more or less
8 trying to keep the grass back off the edges of
9 the road so we don't get such a big snowdrift
10 going across.

11 Q. How is it determined how much sweeping
12 needs to be done with the broom?

13 A. The sweeping, we sweep intersections in
14 the spring of the year for getting the sand off
15 so people don't slide through the intersections.
16 Our chipping areas, we sweep the chipping areas
17 so because you don't want dirt or anything down
18 under the chips. Other than that, that's pretty
19 much our sweeping that we do so.

20 Q. Then on both of, let's say, on the
21 mowing, is that you're trying to stay ahead of
22 the grass growing too high?

23 A. Yes.

24 Q. With sweeping with the broom, are you
25 trying to get that done as soon as the snow

1 melts?

2 A. Yes.

3 Q. Do people complain if those aren't done
4 timely?

5 A. We get some complaints on intersections
6 at times on the sweeping, not so much the
7 mowing, but the sweeping we do get complaints.

8 Q. Do you know if Star had asked for extra
9 time for comp time?

10 A. No, I don't.

11 Q. In your time there at the Powell shop,
12 have you noticed Paco treating Star differently
13 than the other employees?

14 MR. THOMPSON: Objection to form, vague,
15 foundation.

16 BY MR. KELLER:

17 Q. Go ahead and answer, Rowdi.

18 A. Yes, at times.

19 Q. Okay, so at those times, can you explain
20 what you mean by at those times?

21 A. Well, like during hot patching, not
22 putting her in a truck to haul hot patch. She
23 is in the broom. I am trying to think of any
24 other time that -- I guess not at any other time
25 I can remember.

1 Q. Have you ever heard Delray Jones say
2 that women should not be operating equipment?

3 A. No, I haven't heard that.

4 Q. Have you ever heard rumors about Starkie
5 Cornett having an affair with Kris Cooper?

6 A. No, I haven't heard that either.

7 Q. About having an affair with Ron Nieters?

8 A. No, I haven't.

9 MR. KELLER: I think I am about done
10 there, Tom. I am going to try and take a quick
11 second here and go over my notes and see if
12 there is anything else.

13 MR. THOMPSON: Okay.

14 BY MR. KELLER:

15 Q. I am ready. I just have one set of
16 questions here left.

17 Rowdi, how does it typically work if an
18 employee needs to bring in a piece of equipment
19 for the mechanic to repair?

20 A. Well, if it can be moved, you drive it
21 in. If it can't be moved, then we haul it in.

22 Q. What if you notice during your
23 inspection something needs to be fixed?

24 A. Generally, you get ahold of Paco; Paco
25 gets ahold of the mechanic.

1 Q. Do you get ahold of the mechanic
2 yourself?

3 A. I can, yes.

4 Q. What about the other employees, are they
5 allowed to call the mechanic themselves?

6 A. Yes, as far as I know.

7 Q. Star Cornett, what happens if she calls
8 the mechanic directly?

9 A. I don't know. I honestly couldn't tell
10 you.

11 Q. Have you ever witnessed Delray Paco
12 Jones getting upset with her for calling the
13 mechanic herself?

14 A. No.

15 Q. So before today, did you do anything to
16 prepare for these depositions?

17 A. Nope.

18 Q. Did Delray Paco or anybody else get with
19 you to discuss the depositions prior to today?

20 A. Just Tom. Other than that, no.

21 MR. KELLER: I have no further
22 questions, Tom.

23 MR. THOMPSON: Rowdi, I just have a
24 couple of questions.

25 BY MR. THOMPSON:

1 Q. Prior to giving your deposition
2 testimony today, have you ever talked with
3 Mr. Keller?

4 A. No.

5 Q. Have you ever talked with anybody from
6 Mr. Keller's office?

7 A. I can't remember her name, but there was
8 a lady that lives up South Fork that talked to
9 me for about a half hour. She said she was
10 representing Keller.

11 Q. Did you tell that lady that you were in
12 a supervisory capacity with Park County?

13 A. Yep, I did.

14 Q. Do you know whether or not that occurred
15 after June 2nd of 2020, so sometime within the
16 last three-and-a-half years?

17 A. No, I am not -- no -- oh, talking to
18 her, yes, yes.

19 Q. Do you know if that occurred within the
20 last couple of years within back to March 4th of
21 2022?

22 A. I would say yes on that one.

23 MR. THOMPSON: I have no further
24 questions. Thank you.

25 MR. KELLER: I have no redirect, Tom.

1 MR. THOMPSON: That is it, sir. You're
2 done. We will go ahead read and sign.

3 (At 1:35 p.m. the matter was completed)
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WITNESS' SIGNATURE/CORRECTION PAGE

If there are any typographical errors to your
Deposition, please indicate them below.

PAGE/LINE

_____ Change to _____
_____ Change to _____
_____ Change to _____
_____ Change to _____

Any other changes to your Deposition are to be
listed below with a statement as to the reason
for such change.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, ARTHUR BRIGGS, do hereby certify that I
have read the foregoing pages of my testimony as
transcribed, and that the same is a true and
correct record of the testimony given by me in
this Deposition on March 14, 2024, except for
the changes made.

_____	_____
Date Signed	ARTHUR BRIGGS

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CERTIFICATE

I, Barbara Morgenweck, Registered Professional Reporter, and Certified Court Reporter, do hereby certify that prior to the commencement of the examination the Deponent was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Dated this 4th Day of April, 2024.

Barbara Morgenweck

Barbara Morgenweck
COURT REPORTER
Registered Professional Reporter
Certified Court Reporter NM # 526
Notary Public

Exhibit 7:

Cindy Stewart Deposition Transcript

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3 STARKIE J. CORNETT,) Case No.: 22-CV-00034
4 Plaintiff,)
5 vs.)
6 PARK COUNTY BOARD OF)
7 COUNTY COMMISSIONERS and)
8 its PARK COUNTY ROAD AND)
9 BRIDGE DIVISION OF THE)
PUBLIC WORKS DEPARTMENT,)
Defendants.)
_____)

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14 DEPOSITION OF CYNTHIA M. STEWART

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 AT CODY, WYOMING

17 APRIL 23, 2024 AT 12:56 P.M.

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REPORTED BY:

23

JOAN F. MARSHALL, C.S.R.

24

Notary Public

25

Two Sisters Reporting Service
(307) 438-1629

<p style="text-align: right;">2</p> <p style="text-align: center;"><u>A P P E A R A N C E S</u></p> <p>1</p> <p>2</p> <p>3 MR. MARSHALL E. KELLER, Attorney at Law, of the</p> <p>4 Keller Law Firm, P.C., P.O. Box 111, Thermopolis,</p> <p>5 Wyoming 82443, appearing for and on behalf of the</p> <p>6 Plaintiff.</p> <p>7</p> <p>8 MR. THOMAS A. THOMPSON, Attorney at Law, of the</p> <p>9 Wyoming Local Government Liability Pool, 6844</p> <p>10 Yellowtail Road, Cheyenne, Wyoming 82009, appearing</p> <p>11 for and on behalf of the Defendants.</p> <p>12</p> <p>13 Also present: Starkie J. Cornett and Brian</p> <p>14 Edwards.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 THE DEPOSITION OF CYNTHIA M. STEWART was</p> <p>2 taken on behalf of the Plaintiff on this, the 23rd</p> <p>3 day of April 2024, at the Park County Public Works</p> <p>4 Conference Room, 2820 Highway 120 South, Cody,</p> <p>5 Wyoming, before Two Sisters Reporting Service, by</p> <p>6 Joan F. Marshall, Court Reporter and Notary Public</p> <p>7 within and for the State of Wyoming, to be used in</p> <p>8 an action pending in the United States District</p> <p>9 Court for the District of Wyoming, said cause being</p> <p>10 Cause No. 22-CV-00034 in said Court.</p> <p>11 AND THEREUPON, the following testimony</p> <p>12 was adduced, to wit:</p> <p>13 <u>CYNTHIA M. STEWART,</u></p> <p>14 having been first duly sworn to tell the truth, the</p> <p>15 whole truth and nothing but the truth relating to</p> <p>16 said cause, deposes and says:</p> <p>17 <u>EXAMINATION</u></p> <p>18 <u>QUESTIONS BY MR. KELLER:</u></p> <p>19 Q. So, Cindy, can you state your name for</p> <p>20 the record.</p> <p>21 A. Cynthia Stewart.</p> <p>22 Q. And do you prefer being called Cindy?</p> <p>23 A. Yeah.</p> <p>24 Q. And you just took an oath. And we go</p> <p>25 through this with everybody, but do you understand</p>
<p style="text-align: right;">3</p> <p style="text-align: center;"><u>I N D E X</u></p> <p>1</p> <p>2</p> <p>3 <u>TESTIMONY OF CYNTHIA M. STEWART:</u> <u>PAGE</u></p> <p>4 Examination by Mr. Keller 4</p> <p>5 Examination by Mr. Thompson 25</p> <p>6 Further Examination by Mr. Keller 63</p> <p>7</p> <p>8 <u>DEPOSITION EXHIBITS:</u> (Previously marked) <u>REFERRED</u></p> <p>9 13 - Summary of Wage Adjustments 41</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">5</p> <p>1 what the oath you took means?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Can you explain it in your own words?</p> <p>4 MR. THOMPSON: You have to give audible</p> <p>5 responses to the questions. So uh-huh or huh-uh</p> <p>6 won't show up on the record clear, so if it's a yes</p> <p>7 or no --</p> <p>8 THE DEPONENT: Yes or no.</p> <p>9 MR. THOMPSON: Yeah.</p> <p>10 THE DEPONENT: I can understand that.</p> <p>11 MR. THOMPSON: Otherwise, we will be</p> <p>12 arguing about whether you said yes or no.</p> <p>13 THE DEPONENT: I won't let you argue.</p> <p>14 MR. THOMPSON: Don't do that to us.</p> <p>15 THE DEPONENT: I won't do that to you.</p> <p>16 BY MR. KELLER:</p> <p>17 Q. Go ahead. What does that oath mean to</p> <p>18 you?</p> <p>19 A. To tell the truth.</p> <p>20 Q. And you understand that if you don't tell</p> <p>21 the truth, that there's possible legal</p> <p>22 ramifications to that?</p> <p>23 A. Yes.</p> <p>24 Q. And just another rule that we have is --</p> <p>25 it's kind of like playing catch. I'll ask you a</p>

<p style="text-align: right;">6</p> <p>1 question and I'll do my best to wait for you to</p> <p>2 respond before I mention anything and then have a</p> <p>3 pause and then back and forth like that. The</p> <p>4 reason being is that if we don't, we end up talking</p> <p>5 over each other, and it makes it hard for the court</p> <p>6 reporter and for the record.</p> <p>7 A. And you're going to have to speak up</p> <p>8 because I'm hard of hearing, so I'll let you know</p> <p>9 that now.</p> <p>10 Q. Sounds good. I'll do that.</p> <p>11 You used to work for Park County Road &</p> <p>12 Bridge?</p> <p>13 A. Yes.</p> <p>14 Q. And which shop did you work out of?</p> <p>15 A. Powell.</p> <p>16 Q. Do you recall what year you started</p> <p>17 working for Road & Bridge?</p> <p>18 A. I think it was '94.</p> <p>19 Q. And when you started working for Park</p> <p>20 County Road & Bridge, did you start out as an</p> <p>21 operator 1?</p> <p>22 A. Yeah, truck driver.</p> <p>23 Q. And when did you leave Park County Road &</p> <p>24 Bridge?</p> <p>25 A. 2018. That's when I retired.</p>	<p style="text-align: right;">8</p> <p>1 Q. Do you recall when you made equipment</p> <p>2 operator 3?</p> <p>3 A. Probably 2006.</p> <p>4 Q. Who was your foreman at the time you made</p> <p>5 operator 3?</p> <p>6 A. Larry Nielson.</p> <p>7 Q. And were you already working for Park</p> <p>8 County Road & Bridge when Del Ray Paco Jones was</p> <p>9 hired?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall when he was hired?</p> <p>12 A. November something. I don't remember</p> <p>13 what year it was.</p> <p>14 Q. Was it before you made equipment</p> <p>15 operator 3?</p> <p>16 A. Oh, yeah, probably before I made 2.</p> <p>17 Q. And when Del Ray Jones was hired on, did</p> <p>18 you get the opportunity to observe him operate</p> <p>19 equipment?</p> <p>20 A. Yes.</p> <p>21 Q. What did you observe him operating?</p> <p>22 A. I'm going to have to be nice here. He</p> <p>23 tried to operate a lot of things. It took him</p> <p>24 three days to get out of the yard with a truck.</p> <p>25 Q. And what do you mean by three days to get</p>
<p style="text-align: right;">7</p> <p>1 Q. At least that's the best of your memory,</p> <p>2 recollection?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. It would have been December of '18.</p> <p>6 Q. And when you started as an operator 1,</p> <p>7 did you already have a CDL?</p> <p>8 A. Yes.</p> <p>9 Q. And by CDL, I mean commercial driver's</p> <p>10 license.</p> <p>11 A. Yes.</p> <p>12 Q. And how many years had you operated a</p> <p>13 truck or a commercial truck before --</p> <p>14 A. At that time?</p> <p>15 Q. Yep.</p> <p>16 A. From -- over ten.</p> <p>17 MR. THOMPSON: Just for the record,</p> <p>18 Counsel, that's at the time of hire?</p> <p>19 THE DEPONENT: Yes.</p> <p>20 BY MR. KELLER:</p> <p>21 Q. And when did you make equipment</p> <p>22 operator 2 or at least when do you recall making</p> <p>23 operator 2?</p> <p>24 A. Oh, gees, I really don't remember. It</p> <p>25 was a long ways down the road.</p>	<p style="text-align: right;">9</p> <p>1 out of the yard with a truck?</p> <p>2 A. He was supposed to be running a truck</p> <p>3 with a belly dump on it, and they called me three</p> <p>4 times before I got to the gravel pit. And he</p> <p>5 couldn't get the air brakes to release, so I had to</p> <p>6 go back and help him with that. And we did the</p> <p>7 same thing for two or three days after that. That</p> <p>8 was him and Larry.</p> <p>9 Q. You mean Larry couldn't operate or you</p> <p>10 and Larry had to help Del Ray Jones?</p> <p>11 A. I had to go help them.</p> <p>12 Q. You had to help Larry and Del Ray?</p> <p>13 A. Yeah.</p> <p>14 Q. Do you know if Del Ray Jones had</p> <p>15 equipment operating experience when he was hired?</p> <p>16 A. Some.</p> <p>17 Q. And how do you know that?</p> <p>18 A. I know a guy he used to work for.</p> <p>19 Q. And who did he work for?</p> <p>20 A. Whitlock Construction.</p> <p>21 Q. And what other equipment did you observe</p> <p>22 Del Ray Jones operating when he was hired?</p> <p>23 A. A loader.</p> <p>24 Q. And what did you observe?</p> <p>25 A. He wasn't very good at it. We had to</p>

<p style="text-align: right;">10</p> <p>1 stop him a lot because he kept contaminating our</p> <p>2 good gravel, our crushed gravel.</p> <p>3 Q. What do you mean by -- you'll have to</p> <p>4 explain it to us what you mean by contaminating the</p> <p>5 gravel.</p> <p>6 A. He'd get to digging in the bottom of the</p> <p>7 pit and put big rocks in it. And if you're trying</p> <p>8 to spread road base, if you get big rocks in it,</p> <p>9 then you've contaminated your gravel.</p> <p>10 Q. So the gravel is a specified size?</p> <p>11 A. Yes.</p> <p>12 Q. And by contaminating, you're talking</p> <p>13 about --</p> <p>14 A. Putting big rocks in it and mud and. . .</p> <p>15 Q. Okay.</p> <p>16 A. And if you haul a load to your operator,</p> <p>17 they're not very happy with you.</p> <p>18 Q. And why is that?</p> <p>19 A. Because they have to fight with trying to</p> <p>20 get the big rocks away from their good gravel.</p> <p>21 Q. And did you observe Del Ray Jones</p> <p>22 damaging equipment?</p> <p>23 A. Quite a bit.</p> <p>24 Q. Do you recall any specific instances?</p> <p>25 A. Well, he dropped a load of cutting edges</p>	<p style="text-align: right;">12</p> <p>1 Q. Where is Lane 9?</p> <p>2 A. By the cemetery road. It was out between</p> <p>3 the cemetery and the landfill in Powell.</p> <p>4 Q. Did Del Ray Jones ever damage any of the</p> <p>5 trucks?</p> <p>6 A. Yes.</p> <p>7 Q. And when was that? When did he damage</p> <p>8 the trucks?</p> <p>9 A. I don't remember the dates on it, but he</p> <p>10 took one of the gears out of a dump truck. And</p> <p>11 then Larry come and got him from the gravel pit,</p> <p>12 and they had, well, somebody take me back up to get</p> <p>13 the truck. So I wasn't very happy about that one.</p> <p>14 Q. So you'll have to explain that. So what</p> <p>15 do you mean by dumped the gears out of the truck?</p> <p>16 A. It was -- I don't remember what</p> <p>17 transmission that one had in it, but instead of</p> <p>18 putting the clutch in like most people do, he was</p> <p>19 trying to speed shift and just knocked the edges</p> <p>20 off the transmission and took a gear out. And it</p> <p>21 was that way until they sold it, so they never</p> <p>22 fixed it.</p> <p>23 Q. Did it have to be towed out?</p> <p>24 A. No.</p> <p>25 Q. You were able to drive it out?</p>
<p style="text-align: right;">11</p> <p>1 off the -- a lift and took out a tailgate or two.</p> <p>2 They did that twice.</p> <p>3 Q. What's a load of cutting edges? What do</p> <p>4 you mean? Can you --</p> <p>5 A. For on a grader, cutting edges for on a</p> <p>6 grader, and they come in a bundle.</p> <p>7 Q. Like on the back of a flatbed or --</p> <p>8 A. Pickup.</p> <p>9 Q. Pickup?</p> <p>10 A. Well, yeah. They put them in a pickup,</p> <p>11 and then they transfer them to the shop. And they</p> <p>12 lifted them up with the hoist that they had and</p> <p>13 dropped it and took out a couple of tailgates.</p> <p>14 Q. What about when he was operating other --</p> <p>15 operating any equipment?</p> <p>16 A. Turned over a roller.</p> <p>17 Q. What do you mean by turned over?</p> <p>18 A. Tipped it over.</p> <p>19 Q. And you saw that?</p> <p>20 A. (Deponent nodded.)</p> <p>21 Q. Can you --</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall when that happened?</p> <p>24 A. I don't recall when it happened, but we</p> <p>25 were chipping on Lane 9.</p>	<p style="text-align: right;">13</p> <p>1 A. Yep.</p> <p>2 Q. Did Del Ray ever try to blame someone</p> <p>3 else for the damages?</p> <p>4 A. Absolutely.</p> <p>5 Q. When did that happen?</p> <p>6 A. Every time something happened.</p> <p>7 Q. Can you give a specific example?</p> <p>8 A. I was gone, and they took the truck I had</p> <p>9 been driving plowing snow with, and he was driving</p> <p>10 it and hit something and cracked a frame on the</p> <p>11 plow. And Larry tried to blame me for it, but he</p> <p>12 knew I was gone, so. . .</p> <p>13 Q. By gone, what do you mean by gone?</p> <p>14 A. I wasn't working that week.</p> <p>15 Q. Were you off the entire week?</p> <p>16 A. Yes.</p> <p>17 Q. And when you left, your truck was in good</p> <p>18 shape?</p> <p>19 A. Yep.</p> <p>20 Q. Was that because you -- did you inspect</p> <p>21 your truck?</p> <p>22 A. Yes.</p> <p>23 Q. And that was at the end of your shift</p> <p>24 when you left?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">14</p> <p>1 Q. And when you showed back up to work, how</p> <p>2 did you find out your truck was damaged?</p> <p>3 A. I was inspecting it before I left the</p> <p>4 shop and started -- and picked the plow up, and it</p> <p>5 was cracked. It was not going to work.</p> <p>6 Q. Do you recall about what year that</p> <p>7 happened?</p> <p>8 A. 2009 maybe, 8 or 9.</p> <p>9 Q. And you said Larry Nielson was the</p> <p>10 foreman?</p> <p>11 A. Yep.</p> <p>12 Q. Do you know if he ever disciplined Del</p> <p>13 Ray Jones for those actions?</p> <p>14 A. I don't think he did.</p> <p>15 Q. So in your opinion, was Del Ray Jones an</p> <p>16 honest employee?</p> <p>17 A. No.</p> <p>18 MR. THOMPSON: I'm going to object.</p> <p>19 Asking the witness -- asking the veracity of</p> <p>20 someone else is improper.</p> <p>21 BY MR. KELLER:</p> <p>22 Q. Do you know if Del Ray Jones was hired on</p> <p>23 as an equipment operator 1?</p> <p>24 A. I don't know.</p> <p>25 Q. Was he promoted before you?</p>	<p style="text-align: right;">16</p> <p>1 A. She run trucks, water trucks. She</p> <p>2 chipped with us. She ran a loader, the sweepers,</p> <p>3 rollers, and I think they put her on a grader a</p> <p>4 couple of times and let her work on it, so. . .</p> <p>5 Q. Do you know if she was running the mower?</p> <p>6 A. Oh, yeah, run the mower, ran the dozer a</p> <p>7 few times.</p> <p>8 Q. And in your opinion, what makes someone a</p> <p>9 competent equipment operator?</p> <p>10 A. Mostly if they're careful and they're</p> <p>11 willing.</p> <p>12 Q. What do you mean by willing?</p> <p>13 A. If they don't really want to be there,</p> <p>14 they're not going to do nothing, so. . .</p> <p>15 Q. Did you have the impression that Star</p> <p>16 Cornett was willing?</p> <p>17 A. Yes.</p> <p>18 MR. THOMPSON: Objection as to form,</p> <p>19 speculation, foundation.</p> <p>20 BY MR. KELLER:</p> <p>21 Q. And is that because -- did you know she</p> <p>22 was asking to get the time on the equipment?</p> <p>23 A. Yes.</p> <p>24 MR. THOMPSON: Objection as to form,</p> <p>25 leading.</p>
<p style="text-align: right;">15</p> <p>1 A. Yes.</p> <p>2 Q. Was that for equipment operator 2 or 3?</p> <p>3 A. 2.</p> <p>4 Q. And what happened after he was promoted?</p> <p>5 A. I went to Tim French, the commissioner.</p> <p>6 Q. What did Mr. French do?</p> <p>7 A. He basically forced Larry into giving me</p> <p>8 the raise. Larry kept telling me that they said</p> <p>9 no, so he basically lied to me about it. And then</p> <p>10 when I caught him lying, he lied some more, so I</p> <p>11 just went to Tim and asked him.</p> <p>12 Q. By raise, you mean you were advanced to</p> <p>13 equipment operator 2?</p> <p>14 A. And got the -- and the money that went</p> <p>15 with it.</p> <p>16 Q. Before your retirement, were you working</p> <p>17 with Star Cornett?</p> <p>18 A. Yes.</p> <p>19 Q. And that was in the Powell shop?</p> <p>20 A. Yes.</p> <p>21 Q. And did you get a chance to observe her</p> <p>22 operating equipment?</p> <p>23 A. Yes.</p> <p>24 Q. What equipment did you observe her</p> <p>25 operating?</p>	<p style="text-align: right;">17</p> <p>1 BY MR. KELLER:</p> <p>2 Q. And how did you find out that she was --</p> <p>3 did you actually observe her personally asking?</p> <p>4 A. Yes. Dale Hobby was the foreman then.</p> <p>5 Q. Do you know if he was giving her the time</p> <p>6 on the equipment?</p> <p>7 A. Yes.</p> <p>8 Q. And from your observations, was Star</p> <p>9 being careful?</p> <p>10 A. Yes.</p> <p>11 Q. And did you get to observe her operating</p> <p>12 equipment during the winter?</p> <p>13 A. Excuse me?</p> <p>14 Q. During the winter.</p> <p>15 A. Yes.</p> <p>16 Q. What kind of equipment was she operating</p> <p>17 during the winter?</p> <p>18 A. Loader, snowplow.</p> <p>19 Q. Is that the same equipment as the men in</p> <p>20 the shop?</p> <p>21 A. Yes.</p> <p>22 Q. And you observed her operating equipment</p> <p>23 in the spring?</p> <p>24 A. Yes.</p> <p>25 Q. And what equipment would she have been</p>

<p style="text-align: right;">18</p> <p>1 operating in the spring?</p> <p>2 A. End dumps, belly dumps, loader, the</p> <p>3 mowers. In the springtime, sweepers, roller,</p> <p>4 depending on what they're doing.</p> <p>5 Q. And that's the same equipment as the men</p> <p>6 in the shop were operating?</p> <p>7 A. Yes.</p> <p>8 Q. And for the summer, is it the same as it</p> <p>9 would have been in the spring?</p> <p>10 A. Yes.</p> <p>11 Q. And is that the same equipment that the</p> <p>12 other equipment operator 2s would have been</p> <p>13 running?</p> <p>14 A. Yes.</p> <p>15 Q. Did you observe how -- well, I'm going to</p> <p>16 go back.</p> <p>17 Before you retired, did you inform -- let</p> <p>18 me ask. How much time did you give Road & Bridge</p> <p>19 notification of your retirement?</p> <p>20 A. Probably about a month. Dave Williams</p> <p>21 and I left the same time, so. . .</p> <p>22 Q. Who did you notify?</p> <p>23 A. I went to the courthouse, to Bobbie in</p> <p>24 the clerk's office and Dale Hobby, the foreman.</p> <p>25 Q. Did Brian Edwards ever talk to you about</p>	<p style="text-align: right;">20</p> <p>1 didn't matter to me.</p> <p>2 Q. Did they tell you who they were going to</p> <p>3 make foreman?</p> <p>4 A. Do what?</p> <p>5 Q. Did they tell you who was going to be</p> <p>6 foreman?</p> <p>7 A. They -- pretty much. I don't know if</p> <p>8 they said exactly who it was that day, but I knew</p> <p>9 who was going to end up with it because the other</p> <p>10 person didn't want the job, so. . .</p> <p>11 Q. And who was that?</p> <p>12 A. Chris Carter.</p> <p>13 Q. Chris Carter was the one that didn't want</p> <p>14 the job?</p> <p>15 A. He didn't want the job.</p> <p>16 Q. And so then you knew it was going to be</p> <p>17 Del Ray Paco?</p> <p>18 A. Yep.</p> <p>19 Q. And what did you tell Brian Edwards and</p> <p>20 Ron Nieters?</p> <p>21 A. I have to be nice about this, don't I?</p> <p>22 MR. THOMPSON: Just honest.</p> <p>23 BY MR. KELLER:</p> <p>24 Q. Yeah, just be honest.</p> <p>25 A. Be honest?</p>
<p style="text-align: right;">19</p> <p>1 why you were retiring?</p> <p>2 A. We had to talk about it, yeah.</p> <p>3 Q. When did you have that talk?</p> <p>4 A. Couple weeks before I left.</p> <p>5 Q. And where did that occur?</p> <p>6 A. Lane 9 and probably Road 15, I think. I</p> <p>7 don't know where we were. I was mowing that day.</p> <p>8 Q. So I mean did they -- was anybody else</p> <p>9 with Brian?</p> <p>10 A. Ron Nieters.</p> <p>11 Q. And they drove out there to where you</p> <p>12 were working?</p> <p>13 A. Uh-huh.</p> <p>14 Q. How long were they there for?</p> <p>15 A. I don't know, 45 minutes, maybe an hour.</p> <p>16 I'm not sure. It was quite a while.</p> <p>17 Q. Why did they come out to talk to you?</p> <p>18 A. They were in the process I think of</p> <p>19 finding a new foreman for that shop, for the Powell</p> <p>20 shop.</p> <p>21 Q. And why did they -- I mean what was the</p> <p>22 concern of talking to you about the foreman?</p> <p>23 A. Just asked me my opinion, what I thought,</p> <p>24 I guess. I don't know. And I did tell them that</p> <p>25 day that I was going to be gone, so it really</p>	<p style="text-align: right;">21</p> <p>1 Q. Yes.</p> <p>2 A. I told them at the time that I told him,</p> <p>3 Del Ray, that he didn't have the maturity to be the</p> <p>4 foreman and that it would be a shit show if he was.</p> <p>5 And that was in the office at Powell's shop. And</p> <p>6 then I called Brian and told him that I probably</p> <p>7 stirred up a hornet's nest, so. . .</p> <p>8 Q. Did Brian Edwards ever talk to you about</p> <p>9 Star Cornett?</p> <p>10 A. No.</p> <p>11 Q. Did you ever observe how Star was being</p> <p>12 treated in the Powell shop?</p> <p>13 A. Yes.</p> <p>14 Q. What did you observe?</p> <p>15 A. They didn't treat her very good.</p> <p>16 Q. And by not being treated very good, can</p> <p>17 you be a little more specific?</p> <p>18 A. Well, the silent treatment was one thing.</p> <p>19 Separating her from the rest of the crew was</p> <p>20 another thing.</p> <p>21 Q. And by they, who was "they"?</p> <p>22 A. Del Ray.</p> <p>23 Q. Was that something that Dale Hobby did?</p> <p>24 A. Dale didn't do that, no. If anything, he</p> <p>25 forced us to work together to see if we could work</p>

<p style="text-align: right;">22</p> <p>1 it out, and it didn't work.</p> <p>2 Q. Do you know if Star Cornett had made</p> <p>3 complaints at that point?</p> <p>4 A. She didn't to me. She just kept doing</p> <p>5 her job.</p> <p>6 Q. Did you -- let me back up. So in regards</p> <p>7 to the treatment towards Star, were you treated any</p> <p>8 differently when Del Ray Jones became foreman?</p> <p>9 A. Oh, yeah. He treated me the same way.</p> <p>10 Q. By same way, you mean being separated</p> <p>11 from the crew?</p> <p>12 A. Absolutely. They don't want you to talk</p> <p>13 to each other.</p> <p>14 Q. And by the time you were getting ready to</p> <p>15 retire, were you an operator 3?</p> <p>16 A. Finally.</p> <p>17 MR. THOMPSON: Is that a yes?</p> <p>18 THE DEPONENT: Yes.</p> <p>19 BY MR. KELLER:</p> <p>20 Q. Did Brian Edwards ever talk to you about</p> <p>21 teaching Star how to get along with the other males</p> <p>22 in the shop?</p> <p>23 A. He'd mentioned it, but there's really</p> <p>24 nothing you can do to teach somebody how to get</p> <p>25 along with somebody that doesn't want to work with</p>	<p style="text-align: right;">24</p> <p>1 Q. When Star was getting ready -- was</p> <p>2 working in Cody, did you hear that she was going to</p> <p>3 transfer to the Powell shop before she got there?</p> <p>4 A. I think it ended up -- we asked her why</p> <p>5 she didn't transfer, and then when she talked to</p> <p>6 Dale, he said sure.</p> <p>7 Q. Did Dale ask for the opinions of the</p> <p>8 other --</p> <p>9 A. Yes.</p> <p>10 Q. -- people in the shop?</p> <p>11 A. He did.</p> <p>12 Q. Was that done by a group session?</p> <p>13 A. Uh-huh, yes.</p> <p>14 Q. And did everybody agree that Star should</p> <p>15 come over to the Powell shop?</p> <p>16 A. Yes.</p> <p>17 Q. Including Del Ray Jones?</p> <p>18 A. Yes.</p> <p>19 MR. KELLER: Hold on one second, Tom. I</p> <p>20 want to go through these real quick.</p> <p>21 (Whereupon, there was a pause in the</p> <p>22 proceedings.)</p> <p>23 BY MR. KELLER:</p> <p>24 Q. One quick question. We talked about you</p> <p>25 making equipment operator 3 before you retired.</p>
<p style="text-align: right;">23</p> <p>1 you. So that was kind of a moot subject there.</p> <p>2 Q. And what did Mr. Edwards say?</p> <p>3 A. He told me they told Star that she was</p> <p>4 going to have to buck up and get a nasty attitude,</p> <p>5 I guess, like I said, and if you're not a nasty</p> <p>6 asshole like I am, you can't do it.</p> <p>7 Q. Did you ever hear any rumors going around</p> <p>8 about Star while you were working at the Powell</p> <p>9 shop?</p> <p>10 MR. THOMPSON: Objection as to form.</p> <p>11 A. How many of them do you want to hear?</p> <p>12 BY MR. KELLER:</p> <p>13 Q. Well, let's hear an example of some of</p> <p>14 the rumors.</p> <p>15 A. She was sleeping with Ron Nieters, then</p> <p>16 she was sleeping with Dale Hobby. I don't know,</p> <p>17 probably everybody else.</p> <p>18 Q. Who was stating these rumors?</p> <p>19 A. Chip, Chip Ash, Del Ray. Then she was</p> <p>20 supposed to have been sleeping with Kris Cooper.</p> <p>21 That was another one that Del Ray started. Nobody</p> <p>22 believes him anyway, but they just like to hear the</p> <p>23 noise.</p> <p>24 Q. Did you hear Del Ray say that himself?</p> <p>25 A. I heard him say it about Ron, yes.</p>	<p style="text-align: right;">25</p> <p>1 How long were you an equipment operator 3?</p> <p>2 A. Only three or four years when I retired.</p> <p>3 MR. KELLER: I don't have any further</p> <p>4 questions, Tom.</p> <p>5 MR. THOMPSON: I'm going to come over to</p> <p>6 this side.</p> <p>7 (Whereupon, discussion was held off the</p> <p>8 record.)</p> <p>9 <u>EXAMINATION</u></p> <p>10 <u>QUESTIONS BY MR. THOMPSON:</u></p> <p>11 Q. Good afternoon, ma'am.</p> <p>12 A. Good afternoon.</p> <p>13 Q. I introduced myself off the record. My</p> <p>14 name is Tom Thompson. I'm an attorney representing</p> <p>15 Park County in this matter. I've got some</p> <p>16 questions in follow-up to your testimony this</p> <p>17 afternoon.</p> <p>18 It appears to me just from the subject</p> <p>19 matter that was asked of you -- I mean this was</p> <p>20 very random subject areas?</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- that obviously you've had a</p> <p>23 conversation with Mr. Keller before.</p> <p>24 A. Yes.</p> <p>25 Q. And how many times have you talked to</p>

<p style="text-align: right;">26</p> <p>1 either Mr. Keller or someone from his office about</p> <p>2 your testimony?</p> <p>3 A. Twice, I think.</p> <p>4 Q. So you knew coming into this deposition</p> <p>5 this afternoon those areas of examination that he</p> <p>6 was going to ask you about?</p> <p>7 A. Not really.</p> <p>8 Q. Well, you had talked to him --</p> <p>9 A. Yeah.</p> <p>10 Q. -- about everything you had testified</p> <p>11 to --</p> <p>12 A. Yeah.</p> <p>13 Q. -- this afternoon, correct?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Is that a yes?</p> <p>16 A. Yes.</p> <p>17 Q. And so he knew the subject areas that he</p> <p>18 was going to ask you about, and he knew the answers</p> <p>19 you were going to provide before we ever sat down</p> <p>20 here today?</p> <p>21 A. I don't think so, no.</p> <p>22 Q. Did you change any of your -- let me</p> <p>23 finish the question.</p> <p>24 A. I'm going to.</p> <p>25 Q. Did you change any of the stories that</p>	<p style="text-align: right;">28</p> <p>1 A. No.</p> <p>2 Q. Ever e-mailed her?</p> <p>3 A. No.</p> <p>4 Q. Never called her on the phone?</p> <p>5 A. No.</p> <p>6 Q. How did you know it was going to happen?</p> <p>7 A. Actually, I got a call from Keller Law</p> <p>8 Firm, and then I just flat didn't answer it. And</p> <p>9 something must have been said because Star called</p> <p>10 me and told me they were going to call, and I said</p> <p>11 okay.</p> <p>12 Q. So you have talked to her on the phone?</p> <p>13 A. No -- yeah, for about five seconds</p> <p>14 because that was the number.</p> <p>15 Q. And they were going to call, and it was</p> <p>16 about a lawsuit against Park County?</p> <p>17 A. I guess so, yeah.</p> <p>18 Q. Did they have an investigator or somebody</p> <p>19 who represented themselves as an investigator talk</p> <p>20 to you?</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. Who was it that you recall speaking with?</p> <p>23 A. Keller.</p> <p>24 Q. Mr. Keller?</p> <p>25 A. Yes, and that was it.</p>
<p style="text-align: right;">27</p> <p>1 you had told Mr. Keller today when you testified to</p> <p>2 those questions?</p> <p>3 A. No.</p> <p>4 Q. Did you testify consistent with the</p> <p>5 stories that you had told him beforehand?</p> <p>6 A. Yes.</p> <p>7 Q. And so he knew the answers that you gave</p> <p>8 today in response to the questions before he even</p> <p>9 asked the question, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And how about Ms. Cornett? Have you</p> <p>12 talked to her since you left Park County concerning</p> <p>13 this lawsuit?</p> <p>14 A. No.</p> <p>15 Q. So from the time that you left Park</p> <p>16 County, Park County employment --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- which was in 2019 --</p> <p>19 A. I think '18 or '19.</p> <p>20 Q. -- up until today, you have never</p> <p>21 discussed her lawsuit filed against Park County</p> <p>22 with her?</p> <p>23 A. I knew it was going to happen, but no, we</p> <p>24 did not discuss it.</p> <p>25 Q. Have you texted her?</p>	<p style="text-align: right;">29</p> <p>1 Q. Did you tell Mr. Keller that you would</p> <p>2 testify on behalf of Starkie Cornett?</p> <p>3 A. Yes.</p> <p>4 Q. You are not a fan of Del Ray Paco Jones?</p> <p>5 A. No.</p> <p>6 Q. Have a personal dislike for Del Ray Paco</p> <p>7 Jones?</p> <p>8 A. As a foreman or work?</p> <p>9 Q. In any capacity.</p> <p>10 A. In any capacity, yeah, you're right.</p> <p>11 Q. And you've had that dislike for quite a</p> <p>12 few years?</p> <p>13 A. Yes.</p> <p>14 Q. You had that dislike of Del Ray Paco</p> <p>15 Jones before he was a foreman?</p> <p>16 A. Yes.</p> <p>17 Q. You had it for him while he was a</p> <p>18 foreman?</p> <p>19 A. Yes.</p> <p>20 Q. And you have that dislike for him today?</p> <p>21 A. Yeah.</p> <p>22 Q. All right. What's the basis of -- was</p> <p>23 there a point in time that you got along with him?</p> <p>24 A. No.</p> <p>25 Q. You've just always disliked him?</p>

<p style="text-align: right;">30</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever try to get him fired?</p> <p>3 A. No.</p> <p>4 Q. Did you ever go to a commissioner or to a</p> <p>5 supervisor complaining about him?</p> <p>6 A. Yes.</p> <p>7 Q. And who was that that you went to and</p> <p>8 complained about?</p> <p>9 A. Larry Nielson. That was a foreman at the</p> <p>10 time. Oh, gees. Who's the foreman --</p> <p>11 Q. I'm not trying to interrupt your</p> <p>12 testimony, but he can't testify because he's not</p> <p>13 under oath.</p> <p>14 A. Oh, I'm just trying to think.</p> <p>15 Q. So Nielson and another foreman before</p> <p>16 Nielson?</p> <p>17 A. No.</p> <p>18 Q. After Nielson?</p> <p>19 A. No. I'm trying to think of the</p> <p>20 engineer's name at the time.</p> <p>21 Q. Okay.</p> <p>22 A. Gees, Frank Page, and then I gave up and</p> <p>23 went to Tim French.</p> <p>24 Q. All right. Tell me what you told</p> <p>25 Nielson.</p>	<p style="text-align: right;">32</p> <p>1 received a copy of this handbook?</p> <p>2 A. I don't know that I ever did, no.</p> <p>3 Q. Did you follow the policy that was in the</p> <p>4 handbook?</p> <p>5 A. Everybody tried to.</p> <p>6 Q. Well, not everybody --</p> <p>7 A. I tried --</p> <p>8 Q. You've got to let me -- she can only take</p> <p>9 one of us down at a time.</p> <p>10 A. That's true.</p> <p>11 Q. She can only take down one of us at a</p> <p>12 time, and if we talk over each other, it's going to</p> <p>13 cause her problems. She's the most important</p> <p>14 person in the room today besides you.</p> <p>15 A. That's true.</p> <p>16 Q. So I don't want to upset her.</p> <p>17 A. No.</p> <p>18 Q. All right. So did you follow the equal</p> <p>19 opportunity employment policy that was in place at</p> <p>20 the time that you took your complaints to the</p> <p>21 supervisor, to the engineer and to the</p> <p>22 commissioner?</p> <p>23 A. Yes.</p> <p>24 Q. And why do you say you followed it?</p> <p>25 A. Because I was supposed to go to my</p>
<p style="text-align: right;">31</p> <p>1 A. I asked him why I wasn't going to get a</p> <p>2 raise, and they'd already given Del Ray the raise,</p> <p>3 and he told me that the commissioners just said no.</p> <p>4 So I went to Frank Page and asked him, and he said</p> <p>5 that was up to Larry, that he didn't know what was</p> <p>6 going on.</p> <p>7 Q. And Page was a commissioner?</p> <p>8 A. He was a foreman -- or the engineer at</p> <p>9 the time.</p> <p>10 Q. Okay.</p> <p>11 A. And so I went to Tim French.</p> <p>12 Q. Who was a commissioner?</p> <p>13 A. Was a commissioner at the time. He said</p> <p>14 that they never mentioned my name. And I asked him</p> <p>15 if that meant that they were lying, and he said</p> <p>16 yes, so. . .</p> <p>17 Q. Do you know what year that was?</p> <p>18 A. No.</p> <p>19 Q. Did the County have an equal opportunity</p> <p>20 employment policy at that time?</p> <p>21 A. They were supposed to have.</p> <p>22 Q. Did you read the handbook that you were</p> <p>23 given as an employee?</p> <p>24 A. Yeah.</p> <p>25 Q. Did you sign an acknowledgment that I've</p>	<p style="text-align: right;">33</p> <p>1 foreman first, then to the engineer that was</p> <p>2 supposed to be running Road & Bridge, and that</p> <p>3 didn't work, so I went to the commissioners.</p> <p>4 Q. Do you have anything in writing from</p> <p>5 that?</p> <p>6 A. No, I don't think so, no.</p> <p>7 Q. What year was that?</p> <p>8 A. I don't remember the year.</p> <p>9 Q. What do you understand how the pay</p> <p>10 increases are handled at Road & Bridge? Do you</p> <p>11 have any understanding of that?</p> <p>12 A. Basically, it's on your equipment skill</p> <p>13 and years of employment. I can't remember how they</p> <p>14 explained it, but. . .</p> <p>15 Q. And I'm asking in more general terms. Do</p> <p>16 you know how a pay increase is approved?</p> <p>17 A. It has to go through the commissioners.</p> <p>18 Q. And does it also have to go through the</p> <p>19 foremen for the different shops, Powell and Cody?</p> <p>20 A. The foreman is the one that puts in for</p> <p>21 them.</p> <p>22 Q. They're the ones that recommend?</p> <p>23 A. That's the way I understand.</p> <p>24 Q. Do you know who they recommend to?</p> <p>25 A. Pardon me?</p>

<p style="text-align: right;">34</p> <p>1 Q. Do you know who the foreman recommends</p> <p>2 to?</p> <p>3 A. I think it's to the commissioners.</p> <p>4 Q. If I told you that it was to the county</p> <p>5 engineer and then to the commissioners who have to</p> <p>6 approve every pay raise, have you ever been part of</p> <p>7 that process?</p> <p>8 A. No.</p> <p>9 Q. Were you aware that the county engineer</p> <p>10 was involved in that process?</p> <p>11 A. I thought they were, but I didn't know</p> <p>12 for you sure because he kept telling me the same</p> <p>13 thing.</p> <p>14 Q. You mentioned that pay increases or wage</p> <p>15 increases are based on skill level.</p> <p>16 A. Uh-huh.</p> <p>17 Q. I'm sorry. You've got to say yes or no.</p> <p>18 A. Yes.</p> <p>19 Q. Where does that understanding come from?</p> <p>20 Where does that understanding come from?</p> <p>21 A. Basically, it's common sense. If you can</p> <p>22 run equipment, you know, then. . .</p> <p>23 Q. And so proficiency and --</p> <p>24 A. Right.</p> <p>25 Q. -- the operation of equipment --</p>	<p style="text-align: right;">36</p> <p>1 And in regards to the operation of</p> <p>2 equipment, would you agree with me that putting in</p> <p>3 hours on a piece of equipment doesn't necessarily</p> <p>4 equate to being proficient --</p> <p>5 A. That's true.</p> <p>6 Q. -- in the operation of that equipment?</p> <p>7 A. That's true.</p> <p>8 Q. My understanding of when you were hired</p> <p>9 onto the County, there was no operator 1, 2 or 3.</p> <p>10 A. Truck drivers.</p> <p>11 Q. There was a truck driver or there was an</p> <p>12 operator, correct?</p> <p>13 A. Not necessarily.</p> <p>14 Q. Okay. Was there a job just as a truck</p> <p>15 driver?</p> <p>16 A. No.</p> <p>17 Q. When you got hired on, what was your job</p> <p>18 title?</p> <p>19 A. I was truck driver.</p> <p>20 Q. Were other people hired on just as a</p> <p>21 truck driver?</p> <p>22 A. Yes.</p> <p>23 Q. And were other people hired on as an</p> <p>24 operator?</p> <p>25 A. I don't know that.</p>
<p style="text-align: right;">35</p> <p>1 A. Yes.</p> <p>2 Q. -- may equate to a pay raise?</p> <p>3 A. It may, and it may not.</p> <p>4 Q. With longevity?</p> <p>5 A. With longevity.</p> <p>6 MR. KELLER: Give him a chance to finish.</p> <p>7 THE DEPONENT: Pardon me?</p> <p>8 MR. KELLER: Give him a chance to finish</p> <p>9 his questions.</p> <p>10 THE DEPONENT: Okay. I'm getting</p> <p>11 excited.</p> <p>12 BY MR. THOMPSON:</p> <p>13 Q. Are there years -- and maybe you don't</p> <p>14 know the answer to this question. If you don't</p> <p>15 know, you don't know.</p> <p>16 A. Okay.</p> <p>17 Q. Were there years where nobody got a raise</p> <p>18 in Park County?</p> <p>19 A. Yes.</p> <p>20 Q. And why did nobody get a raise?</p> <p>21 A. The money wasn't there.</p> <p>22 Q. There wasn't enough money in the</p> <p>23 budget --</p> <p>24 A. Right.</p> <p>25 Q. -- to pay those people?</p>	<p style="text-align: right;">37</p> <p>1 Q. You -- and I put this in quotes. You're</p> <p>2 talking about Del Ray Paco Jones. What relevance</p> <p>3 does his skill level back when he was first hired</p> <p>4 have to do with Ms. Cornett's case?</p> <p>5 A. Do you want my opinion or --</p> <p>6 Q. I'm just wondering why you were</p> <p>7 testifying as to that.</p> <p>8 MR. KELLER: Objection, speculation.</p> <p>9 BY MR. THOMPSON:</p> <p>10 Q. I'm not asking you to speculate. I'm</p> <p>11 asking you to testify as to what you know as far as</p> <p>12 the relevance of that testimony to an Equal Pay Act</p> <p>13 case.</p> <p>14 MR. KELLER: I'm going to object again as</p> <p>15 it's a legal question.</p> <p>16 BY MR. THOMPSON:</p> <p>17 Q. Okay. Go ahead.</p> <p>18 A. He just -- he didn't -- he wasn't capable</p> <p>19 of running equipment as well as Star was. When she</p> <p>20 started moving into it, she just picked it up</p> <p>21 and. . .</p> <p>22 Q. Have you seen Del Ray Paco Jones'</p> <p>23 application for employment?</p> <p>24 A. No.</p> <p>25 Q. Do you know when he hired on what he told</p>

<p style="text-align: right;">38</p> <p>1 the County as far as what experience he had?</p> <p>2 A. No.</p> <p>3 Q. Have you seen Ms. Cornett's application</p> <p>4 for employment?</p> <p>5 A. No.</p> <p>6 Q. Do you know what experience Ms. Cornett</p> <p>7 had when she was hired on?</p> <p>8 A. No.</p> <p>9 Q. And when you -- this is your testimony</p> <p>10 under oath.</p> <p>11 A. Uh-huh.</p> <p>12 Q. When you say it took him three days to</p> <p>13 get out of the yard with a truck, are you going to</p> <p>14 tell a federal jury in this case that he was stuck</p> <p>15 in the yard for three days trying to get out?</p> <p>16 A. I could tell how it happened.</p> <p>17 Q. Well, is that your testimony?</p> <p>18 A. Yes.</p> <p>19 Q. That he could not move a truck from the</p> <p>20 yard --</p> <p>21 A. Yes, right.</p> <p>22 Q. -- for three days?</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. And the County asked for your help to get</p> <p>25 him out of that yard that he was stuck in for three</p>	<p style="text-align: right;">40</p> <p>1 A. Probably.</p> <p>2 Q. 2002?</p> <p>3 A. Probably somewhere around there, yeah.</p> <p>4 Q. Do you know how many years -- if we're</p> <p>5 comparing Del Ray to Ms. Cornett, do you know how</p> <p>6 many years it took Del Ray Jones to move from</p> <p>7 equipment operator 1 to 2?</p> <p>8 A. Not very long.</p> <p>9 Q. Would you be surprised if it was seven</p> <p>10 years?</p> <p>11 A. Yes, I would.</p> <p>12 Q. And if that's what the records at Park</p> <p>13 County reflect, you wouldn't have any reason to</p> <p>14 dispute that, would you?</p> <p>15 A. No.</p> <p>16 Q. Mr. Keller was asking you some questions</p> <p>17 about whether he was disciplined. Do you</p> <p>18 understand discipline to mean both oral reprimand,</p> <p>19 written reprimand, termination, suspension,</p> <p>20 demotion, all of those things?</p> <p>21 A. Yes.</p> <p>22 Q. Have you ever seen his personnel file?</p> <p>23 A. No.</p> <p>24 Q. So you don't know what's in it?</p> <p>25 A. No.</p>
<p style="text-align: right;">39</p> <p>1 days, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Were you the most experienced operator</p> <p>4 for Road & Bridge at that time?</p> <p>5 A. No.</p> <p>6 Q. Why did they ask you to assist them?</p> <p>7 A. Because I was the one in the truck most</p> <p>8 of the time.</p> <p>9 Q. So you were the most experienced truck</p> <p>10 driver in the County at that time?</p> <p>11 A. I don't know that I was.</p> <p>12 Q. You had spent the most time in a truck?</p> <p>13 A. At that time with them, yeah.</p> <p>14 Q. With the County?</p> <p>15 A. With the County.</p> <p>16 Q. At the time that this happened?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Is that a yes?</p> <p>19 A. Yes.</p> <p>20 Q. And when did that happen?</p> <p>21 A. Right after they hired Del Ray.</p> <p>22 Q. Within a month?</p> <p>23 A. Yeah.</p> <p>24 Q. And this is a memory that you have</p> <p>25 from -- that would have been 22 years ago, correct?</p>	<p style="text-align: right;">41</p> <p>1 Q. So you don't know what happened to him</p> <p>2 when he damaged equipment?</p> <p>3 A. No.</p> <p>4 Q. There's an exhibit that's been introduced</p> <p>5 into the record. It's called Deposition</p> <p>6 Exhibit 13, and it is a summary of the wage</p> <p>7 adjustments that were made in Park County Road &</p> <p>8 Bridge and includes both previous and current</p> <p>9 employees. So, for example, I have your --</p> <p>10 A. Okay.</p> <p>11 Q. -- wages that you were earning as an</p> <p>12 equipment operator 3, and it's my understanding you</p> <p>13 were a grade 17, step 3.</p> <p>14 A. I guess so.</p> <p>15 Q. And do we need to take a -- let's go off</p> <p>16 the record.</p> <p>17 (Whereupon, discussion was held off the</p> <p>18 record.)</p> <p>19 BY MR. THOMPSON:</p> <p>20 Q. I'm just going to try to give you a basic</p> <p>21 understanding of this based upon previous</p> <p>22 testimony. Those names above the black line are</p> <p>23 current employees or were current employees as of</p> <p>24 July 3rd, 2023, the black line that runs across the</p> <p>25 middle of the page left to right or right to left.</p>

<p style="text-align: right;">42</p> <p>1 So all these employees are current.</p> <p>2 A. These are current, yes.</p> <p>3 Q. And then below that with a strike mark</p> <p>4 through are names of previous employees.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Including yourself.</p> <p>7 I would tell you that the year that</p> <p>8 Ms. Cornett was hired, fiscal year 2016 -- or</p> <p>9 excuse me, April 25th, 2016 is what it shows for a</p> <p>10 hire date. She was making the same as Arthur</p> <p>11 Briggs, and then there are also two former</p> <p>12 employees, John Klein and James Flowers, that were</p> <p>13 all hired that year at the same wage.</p> <p>14 There's been testimony from Mr. Briggs in</p> <p>15 regards to his experience, and he had significantly</p> <p>16 more experience when he came to Park County than</p> <p>17 Ms. Cornett had operating heavy equipment. Do you</p> <p>18 believe that that's gender discrimination by paying</p> <p>19 him less -- excuse me, paying him the same wage as</p> <p>20 Ms. Cornett when he had so much more experience?</p> <p>21 A. Who's this?</p> <p>22 Q. Rowdy Briggs.</p> <p>23 MR. KELLER: Object as to the form of the</p> <p>24 question.</p> <p>25 A. Different kind of equipment.</p>	<p style="text-align: right;">44</p> <p>1 asked.</p> <p>2 A. Okay.</p> <p>3 Q. Was it discrimination not to pay Rowdy</p> <p>4 Briggs for the experience that he had?</p> <p>5 MR. KELLER: Objection to the form of the</p> <p>6 question, foundation.</p> <p>7 A. That's a little confusing, but I can tell</p> <p>8 you that it was because they run him down -- I</p> <p>9 called Rowdy and told him he'd better get in there</p> <p>10 if he wanted the job, and so he did and they hired</p> <p>11 him. But they weren't going to pay him anything if</p> <p>12 they could keep from it.</p> <p>13 BY MR. THOMPSON:</p> <p>14 Q. So was that based upon a decision, to</p> <p>15 your knowledge, based upon his gender?</p> <p>16 A. Not on his gender, no.</p> <p>17 Q. Do you believe the County paid people</p> <p>18 based -- can I finish the question?</p> <p>19 MR. KELLER: Yeah, go ahead.</p> <p>20 BY MR. THOMPSON:</p> <p>21 Q. Do you believe the County paid people</p> <p>22 differently based on gender?</p> <p>23 A. I think they do sometimes, yes.</p> <p>24 Q. You and Ms. Cornett?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">43</p> <p>1 BY MR. THOMPSON:</p> <p>2 Q. Well, Ms. Cornett had no experience in</p> <p>3 any kind of equipment.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Rowdy Briggs had experience, as he's</p> <p>6 testified under oath in his deposition. So is it</p> <p>7 unfair to pay him the same wage when he had so much</p> <p>8 more experience?</p> <p>9 A. I don't know that.</p> <p>10 Q. Do you have an opinion as to that?</p> <p>11 A. I do.</p> <p>12 Q. And what's that opinion?</p> <p>13 A. I think this whole step and grade thing</p> <p>14 is a bunch of BS.</p> <p>15 Q. Why is that?</p> <p>16 A. Because it doesn't -- it's just like</p> <p>17 hiring Star. Whatever wages, that was what they</p> <p>18 started people at, and then saying two years later</p> <p>19 after she's got the experience that it doesn't</p> <p>20 matter if you've got it or not. You're still going</p> <p>21 to stay at this wage because we can hire somebody</p> <p>22 else in, which they have a lot of times, at more</p> <p>23 money with basically not any more experience than</p> <p>24 Star or than I or anybody on here.</p> <p>25 Q. Well, let's keep it to the question I</p>	<p style="text-align: right;">45</p> <p>1 Q. Do you know the equipment operator that</p> <p>2 works for the landfill that's the second highest</p> <p>3 paid employee in the County that's -- or on that</p> <p>4 side of Public Works that's a female equipment</p> <p>5 operator?</p> <p>6 A. I don't know her.</p> <p>7 Q. You don't know her?</p> <p>8 A. I don't know.</p> <p>9 MR. KELLER: Objection, form, foundation,</p> <p>10 form of the question.</p> <p>11 BY MR. THOMPSON:</p> <p>12 Q. And so you never filed an Equal Pay Act</p> <p>13 claim, correct?</p> <p>14 A. No.</p> <p>15 Q. Never filed a discrimination claim?</p> <p>16 A. No.</p> <p>17 Q. You left as an equipment operator 3,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. There were other equipment operator 3s</p> <p>21 that were males that were getting paid the same as</p> <p>22 you, correct?</p> <p>23 A. Yes.</p> <p>24 Q. There were equipment operator 3s that</p> <p>25 were males that were getting paid less than you?</p>

<p style="text-align: right;">46</p> <p>1 A. Probably.</p> <p>2 Q. Is it gender discrimination to pay them</p> <p>3 less that are doing the same or similar job?</p> <p>4 A. They didn't work as many years for Park</p> <p>5 County as I did, so yes, it was discrimination,</p> <p>6 gender discrimination.</p> <p>7 Q. To pay the males less?</p> <p>8 A. No, to pay me less because it took me X</p> <p>9 amount of years to catch up.</p> <p>10 Q. Let me show you something here,</p> <p>11 Ms. Stewart. Let's look at Deposition Exhibit 3,</p> <p>12 and let's look at your name. As an equipment</p> <p>13 operator 3, you're being paid 21.42.</p> <p>14 MR. KELLER: For the record, I want to</p> <p>15 just make a correction. I think you said 3. I</p> <p>16 think it's --</p> <p>17 MR. THOMPSON: 13. Thank you.</p> <p>18 MR. KELLER: Yeah.</p> <p>19 BY MR. THOMPSON:</p> <p>20 Q. Do you see that? Just let me know when</p> <p>21 you've found that. Do you see that?</p> <p>22 A. I see this, yeah.</p> <p>23 Q. And do you see going up the chart Kris</p> <p>24 Cooper as an equipment operator 3, he's getting</p> <p>25 paid it 21.42? Do you see that?</p>	<p style="text-align: right;">48</p> <p>1 at the Powell shop.</p> <p>2 Q. And why didn't they want him at the</p> <p>3 Powell shop?</p> <p>4 A. My own opinion is because he was a better</p> <p>5 operator than Jones, and he didn't want showed up.</p> <p>6 Q. Do you have any date reference that we</p> <p>7 can use in regards to these conversations?</p> <p>8 A. No.</p> <p>9 Q. Did Kris Cooper put in for the Powell</p> <p>10 foreman job?</p> <p>11 A. I don't know if he did or not.</p> <p>12 Q. And then let's look up at Travis Ball.</p> <p>13 Did you know Travis Ball?</p> <p>14 A. Yes.</p> <p>15 Q. Was he a better equipment operator than</p> <p>16 you?</p> <p>17 A. No.</p> <p>18 Q. He was getting paid as an operator 3; is</p> <p>19 that correct?</p> <p>20 A. Yeah.</p> <p>21 Q. And he was getting paid less than you,</p> <p>22 correct? He was getting paid 20.27 an hour.</p> <p>23 A. Travis?</p> <p>24 Q. Yes.</p> <p>25 A. That was long before I got to be the 3,</p>
<p style="text-align: right;">47</p> <p>1 A. Yes.</p> <p>2 Q. Did Kris Cooper have more experience than</p> <p>3 you?</p> <p>4 A. Probably, yes.</p> <p>5 Q. Do you know why he was only getting paid</p> <p>6 21.42?</p> <p>7 A. I could, but you're not going to like the</p> <p>8 answer.</p> <p>9 Q. Is it speculation, or is it based upon</p> <p>10 personal knowledge?</p> <p>11 A. Based on knowledge of what I saw at the</p> <p>12 shop.</p> <p>13 Q. And that's -- go ahead and tell me what</p> <p>14 you saw at the shop.</p> <p>15 A. They didn't like him. They wanted him to</p> <p>16 quit, so they did everything they could think of to</p> <p>17 push him out.</p> <p>18 Q. And who's "they"?</p> <p>19 A. The conversation between Hobby and Jones</p> <p>20 several times that we all heard. I don't know if</p> <p>21 Star was there yet then or not, but they didn't</p> <p>22 like him.</p> <p>23 Q. And what was that conversation?</p> <p>24 A. Basically, they thought he should go back</p> <p>25 to Cody and go to work because they didn't want him</p>	<p style="text-align: right;">49</p> <p>1 I'm pretty sure.</p> <p>2 Q. It's the same year that you left.</p> <p>3 A. Let's see here. That doesn't look right</p> <p>4 to me, but, yeah, I guess it's possible, so. . .</p> <p>5 Q. Do you have an explanation for that, as</p> <p>6 to why he would have been paid less than you as an</p> <p>7 equipment operator 3?</p> <p>8 A. Because he wasn't really -- he wasn't in</p> <p>9 equipment.</p> <p>10 Q. So that's another factor that you can use</p> <p>11 to have a wage differential. You already talked</p> <p>12 about skill level, years of experience and</p> <p>13 different operation of different equipment.</p> <p>14 A. Right.</p> <p>15 Q. And all those are factors that are gender</p> <p>16 neutral, correct?</p> <p>17 A. I would think.</p> <p>18 Q. Is that your opinion?</p> <p>19 A. It's my opinion, yeah.</p> <p>20 Q. All right. And then if you look up for</p> <p>21 the same last year that you were employed with Park</p> <p>22 County, there's other equipment operator 3s that</p> <p>23 are getting paid less than you. Tim Morrison is</p> <p>24 getting paid less than you. Rowdy Briggs is</p> <p>25 getting paid less than you. Paul Luthy is getting</p>

<p style="text-align: right;">50</p> <p>1 paid less than you, correct?</p> <p>2 A. Yeah.</p> <p>3 Q. And they're all males, correct?</p> <p>4 A. True.</p> <p>5 Q. And what is the reason that they were</p> <p>6 getting paid less than you?</p> <p>7 A. Probably because I'd been there for 10 or</p> <p>8 15 years more than they had.</p> <p>9 Q. So the County didn't necessarily pay</p> <p>10 males more than females. There were various</p> <p>11 factors that people got paid a different wage for.</p> <p>12 MR. KELLER: Objection, speculation.</p> <p>13 BY MR. THOMPSON:</p> <p>14 Q. Correct?</p> <p>15 A. Yes.</p> <p>16 Q. Thank you.</p> <p>17 When did Starkie Cornett actually come</p> <p>18 over to the Powell shop?</p> <p>19 A. I'm not sure.</p> <p>20 Q. The record reflects in this matter that</p> <p>21 she wouldn't have been there very long before you</p> <p>22 left.</p> <p>23 A. Probably a year.</p> <p>24 Q. And your observations of her operating</p> <p>25 equipment, my understanding is that she basically</p>	<p style="text-align: right;">52</p> <p>1 Q. Have you talked to him about your</p> <p>2 deposition today?</p> <p>3 A. No.</p> <p>4 Q. What's the extent of your friendship?</p> <p>5 Can you describe it for me?</p> <p>6 A. I see him in the grocery store and we</p> <p>7 stand and talk to each other, and other than that,</p> <p>8 that's it.</p> <p>9 Q. Did you advocate for Kris Cooper to be</p> <p>10 foreman of the Powell shop?</p> <p>11 A. No.</p> <p>12 Q. And in regards to what I'd call the</p> <p>13 leading questions concerning whether the Powell</p> <p>14 shop -- how the Powell shop treated Ms. Cornett,</p> <p>15 you said they gave her the silent treatment. What</p> <p>16 do you mean by that?</p> <p>17 A. If they were talking about a job in the</p> <p>18 shop -- they did the same thing with me, so I</p> <p>19 watched them do it to her, too -- they'd be</p> <p>20 talking about it and never tell her what they</p> <p>21 wanted her to do and just get up and leave.</p> <p>22 Q. Did you report any of that?</p> <p>23 A. To who?</p> <p>24 Q. Well, you went to the county engineer and</p> <p>25 to the county commissioner before when you had a</p>
<p style="text-align: right;">51</p> <p>1 was operating a truck, a broom, a mower most of</p> <p>2 that time.</p> <p>3 A. And roller.</p> <p>4 Q. And roller.</p> <p>5 A. And loader.</p> <p>6 Q. And the loader was in the yard, correct?</p> <p>7 A. No, it was in the gravel pits or the</p> <p>8 yard, depending, yeah.</p> <p>9 Q. And was that her assigned job -- let me</p> <p>10 finish. Was that her assigned position, to operate</p> <p>11 that loader?</p> <p>12 A. It was everybody's. I mean if you needed</p> <p>13 to load a truck, you'd find a loader and load it or</p> <p>14 sit there for eight hours and wait for somebody.</p> <p>15 Q. During that first year, is that the</p> <p>16 extent of what you observed her operating?</p> <p>17 A. I think so, yes.</p> <p>18 Q. My understanding is you're good friends</p> <p>19 with Kris Cooper. Is that correct?</p> <p>20 A. I'm friends with Kris. I wouldn't say</p> <p>21 good friends.</p> <p>22 Q. Do you socialize with him?</p> <p>23 A. Nope.</p> <p>24 Q. Talk to him by text or phone?</p> <p>25 A. Nope.</p>	<p style="text-align: right;">53</p> <p>1 grievance, right?</p> <p>2 A. Yeah.</p> <p>3 Q. Did you report this to anyone else?</p> <p>4 A. No.</p> <p>5 Q. And did you talk to Ms. Cornett about it?</p> <p>6 A. I don't think so.</p> <p>7 Q. So someone not talking to another</p> <p>8 employee is what you would describe as the silent</p> <p>9 treatment?</p> <p>10 A. It's basically a -- it's a hostile work</p> <p>11 environment.</p> <p>12 Q. By not talking to somebody?</p> <p>13 A. Absolutely.</p> <p>14 Q. All right. But you didn't report it, you</p> <p>15 didn't do anything about it, and you didn't talk to</p> <p>16 Ms. Cornett about it?</p> <p>17 A. She's not stupid. She knew what was</p> <p>18 going on.</p> <p>19 Q. You didn't report it, you didn't do</p> <p>20 anything about it, and you didn't talk to</p> <p>21 Ms. Cornett about it?</p> <p>22 A. Nope.</p> <p>23 Q. Did you know that Ms. Cornett was</p> <p>24 secretly recording conversations of coworkers?</p> <p>25 A. No.</p>

<p style="text-align: right;">54</p> <p>1 Q. Do you think that might have caused</p> <p>2 people not to want to talk to her? That's been</p> <p>3 proven in this -- or that's a fact in this case.</p> <p>4 A. I did not know that, so I don't know.</p> <p>5 Q. Do you know if she ever secretly recorded</p> <p>6 you?</p> <p>7 A. No. I don't care if she did.</p> <p>8 Q. You don't know?</p> <p>9 A. No, I don't know.</p> <p>10 Q. Do you think that might cause people to</p> <p>11 get up and walk away and not want to talk to her if</p> <p>12 they knew that was going on?</p> <p>13 A. I guess if they're that nervous.</p> <p>14 Q. You said they don't want you to talk to</p> <p>15 each other. My understanding at Road & Bridge is</p> <p>16 when you come in in the morning, you meet or have</p> <p>17 coffee or whatever the case may be, and then you</p> <p>18 get on separate pieces of equipment and go do</p> <p>19 whatever the job is for the day. Is that fair?</p> <p>20 A. That's true, yeah.</p> <p>21 Q. And so when you're on equipment, you</p> <p>22 really can't talk to each other, can you?</p> <p>23 A. No.</p> <p>24 Q. And when you say they didn't want you to</p> <p>25 talk to each other -- that's what you testified to.</p>	<p style="text-align: right;">56</p> <p>1 people from talking to each other because they</p> <p>2 didn't want the other person to know what their</p> <p>3 co-employee was doing that day?</p> <p>4 A. The Powell and Cody shop used to just be</p> <p>5 like two different states, two different countries.</p> <p>6 They did not get along. They would not hardly work</p> <p>7 together, and that was pretty much the no-talking</p> <p>8 zone because they didn't want everybody talking</p> <p>9 with each other to know what was going on with one</p> <p>10 foreman and the other foreman.</p> <p>11 Q. So was it a competition between shops</p> <p>12 that they didn't want you talking about?</p> <p>13 A. Yeah, they were just -- it was stupid.</p> <p>14 Q. Were the foremen in the Powell shop</p> <p>15 keeping employees from talking to each other so</p> <p>16 they didn't know -- I'm just trying to understand</p> <p>17 this. They didn't want employees to know what</p> <p>18 their co-employees were doing that day?</p> <p>19 A. Pretty much.</p> <p>20 Q. So if I'm mowing, they wouldn't let me</p> <p>21 tell somebody else I was mowing?</p> <p>22 A. That's just ridiculous. It's not -- no.</p> <p>23 That's not what was meant.</p> <p>24 Q. Explain it for me, please.</p> <p>25 A. These guys get in little pissing matches</p>
<p style="text-align: right;">55</p> <p>1 A. Uh-huh.</p> <p>2 Q. Who is "they"?</p> <p>3 A. The foremens -- the foremens most of the</p> <p>4 time.</p> <p>5 Q. And so that's true in the Cody shop and</p> <p>6 in the Powell shop?</p> <p>7 A. I think so, yes.</p> <p>8 Q. And why didn't they want you to talk to</p> <p>9 each other?</p> <p>10 A. Because they didn't want people to know</p> <p>11 exactly what they were doing. So if they can keep</p> <p>12 you apart and not have you confirm each others</p> <p>13 stories, then you're -- they can squirm out of it.</p> <p>14 Q. So they don't want you talking to each</p> <p>15 other because they don't want you to know what the</p> <p>16 other person is doing?</p> <p>17 A. Pretty much.</p> <p>18 Q. What do you mean by that? They don't</p> <p>19 want you to know what job you're doing that day?</p> <p>20 MR. KELLER: Objection, speculation.</p> <p>21 A. It's just a gossip factor with these</p> <p>22 guys. It's the gossip factor.</p> <p>23 BY MR. THOMPSON:</p> <p>24 Q. Can you give me an example of the foremen</p> <p>25 in either the Powell or the Cody shop keeping</p>	<p style="text-align: right;">57</p> <p>1 with each other, and they divide the crew. That</p> <p>2 way you get everybody mad at everybody, and</p> <p>3 nobody's saying anything to anybody. That's the</p> <p>4 way they handle it.</p> <p>5 Q. And you're going to be called in front of</p> <p>6 a federal jury.</p> <p>7 A. That's fine.</p> <p>8 Q. And I'm going to have your deposition</p> <p>9 transcript, and I'm going to be able to</p> <p>10 cross-examine you on different areas of your</p> <p>11 testimony if you're called as a witness. So I want</p> <p>12 to know specifics about what your testimony is as</p> <p>13 to when this happened and who was involved.</p> <p>14 A. It was on and on for so long that I don't</p> <p>15 know what to tell you.</p> <p>16 Q. Do you have --</p> <p>17 A. I don't have proof of it except what I'm</p> <p>18 saying, and probably some of these other guys would</p> <p>19 tell you the same thing except they're afraid of</p> <p>20 their jobs. They're afraid to say anything because</p> <p>21 they're afraid they're going to be gone.</p> <p>22 Q. So you don't have any proof?</p> <p>23 A. I probably couldn't prove it now because</p> <p>24 if they say anything, they'll probably get fired,</p> <p>25 too.</p>

<p style="text-align: right;">58</p> <p>1 Q. Ma'am, understand this is my only chance</p> <p>2 to talk to you --</p> <p>3 A. That's true.</p> <p>4 Q. -- before trial. Do you have any proof</p> <p>5 that this was going on?</p> <p>6 MR. KELLER: Objection, asked and</p> <p>7 answered.</p> <p>8 A. No.</p> <p>9 BY MR. THOMPSON:</p> <p>10 Q. Thank you.</p> <p>11 You said you heard Del Ray Paco say that</p> <p>12 Ms. Cornett was sleeping with Ron Nieters, correct?</p> <p>13 A. Yes.</p> <p>14 Q. When did that happen?</p> <p>15 A. When she was still working at the shop.</p> <p>16 Q. Which shop? The Cody shop?</p> <p>17 A. The Cody shop.</p> <p>18 Q. And where did you hear Del Ray Jones say</p> <p>19 this?</p> <p>20 A. We were in the shop at Powell.</p> <p>21 Q. Okay. And who was present?</p> <p>22 A. Probably all of us, the crew.</p> <p>23 Q. Do you have a clear recollection of that?</p> <p>24 A. Not of who all was there, no.</p> <p>25 Q. And what exactly was said?</p>	<p style="text-align: right;">60</p> <p>1 MR. KELLER: Objection, argumentative.</p> <p>2 MR. THOMPSON: Let me ask the question,</p> <p>3 Counsel.</p> <p>4 BY MR. THOMPSON:</p> <p>5 Q. That's another example where there was a</p> <p>6 policy violation, but you didn't do anything about</p> <p>7 it, to report it or follow the EO policy in the</p> <p>8 handbook?</p> <p>9 A. I learned a long time ago that that</p> <p>10 policy in the handbook didn't make any difference</p> <p>11 because you can go to the commissioners, you can go</p> <p>12 to the engineers, you can go to your foreman, you</p> <p>13 can go to another foreman, you can go to the next</p> <p>14 guy up on the ladder. It didn't make any</p> <p>15 difference because nothing's going to get done.</p> <p>16 Q. Would you answer my question?</p> <p>17 A. I just did.</p> <p>18 Q. I don't think you did.</p> <p>19 A. I did not complain because it doesn't do</p> <p>20 any good.</p> <p>21 Q. So you would agree with me that's another</p> <p>22 example --</p> <p>23 MR. KELLER: Asked and answered.</p> <p>24 BY MR. THOMPSON:</p> <p>25 Q. -- where you didn't follow the policy?</p>
<p style="text-align: right;">59</p> <p>1 A. That he was sleeping with her -- she was</p> <p>2 sleeping with him to get where she was going.</p> <p>3 Q. And I want to know exactly what you</p> <p>4 recall Del Ray Jones said.</p> <p>5 A. Do you want me to tell you exactly what</p> <p>6 he said?</p> <p>7 Q. Yes.</p> <p>8 A. He said she's fucking Ron.</p> <p>9 Q. And there were other people present that</p> <p>10 heard that?</p> <p>11 A. Yes.</p> <p>12 Q. Did you do anything about that?</p> <p>13 A. I just said she's a busy girl.</p> <p>14 Q. Did you agree with it?</p> <p>15 A. Shit, no, I didn't agree with it.</p> <p>16 Q. Did you go to your supervisor and report</p> <p>17 it?</p> <p>18 A. The supervisor was there.</p> <p>19 Q. Did you complain to the county engineer?</p> <p>20 A. No.</p> <p>21 Q. Did you go to any of the commissioners?</p> <p>22 A. No.</p> <p>23 Q. So that's another example that you</p> <p>24 didn't -- you thought policy was broken, but you</p> <p>25 didn't follow the policy --</p>	<p style="text-align: right;">61</p> <p>1 A. No. I didn't follow it because there's</p> <p>2 no point in it.</p> <p>3 Q. And other than the one -- you say the</p> <p>4 policy didn't work or people didn't follow the</p> <p>5 policy. Other than your complaint about not being</p> <p>6 paid as much as Del Ray Jones, did you have any</p> <p>7 other occasions where you tried to follow the</p> <p>8 policy that you believe it didn't work?</p> <p>9 A. Yes.</p> <p>10 Q. And what was that?</p> <p>11 A. It's pretty much the same thing, the</p> <p>12 equipment, you know, just -- it was the same thing,</p> <p>13 not getting stepped up to an operator 2 or</p> <p>14 whatever.</p> <p>15 Q. So you made two complaints about your</p> <p>16 wages?</p> <p>17 A. More than that.</p> <p>18 Q. And can you tell me all the complaints</p> <p>19 that you made, who you made them to and the year</p> <p>20 that you made those to?</p> <p>21 A. I don't remember the year, but it was</p> <p>22 either Larry Nielson or Frank Page.</p> <p>23 Q. And when you made a complaint to Larry</p> <p>24 Nielson, what did you tell him?</p> <p>25 A. I asked him why I wasn't getting raised</p>

<p style="text-align: right;">62</p> <p>1 up with everyone else.</p> <p>2 Q. And so what year would this have been?</p> <p>3 A. I don't remember the years.</p> <p>4 Q. And with Frank Page, when did you make</p> <p>5 the complaint?</p> <p>6 A. The same time with Nielson, but I don't</p> <p>7 remember the year, either.</p> <p>8 Q. So this is what you told me about</p> <p>9 earlier?</p> <p>10 A. Yeah -- well, a lot of it, yeah.</p> <p>11 Q. Are there any other times that you went</p> <p>12 to your supervisor, the county engineer or the</p> <p>13 commissioner concerning what you didn't believe was</p> <p>14 proper wage increases?</p> <p>15 A. I don't remember. There was so many</p> <p>16 different times of trying to complain to somebody,</p> <p>17 and it didn't do any good. We have no chain of</p> <p>18 command.</p> <p>19 Q. I appreciate the generalities and the</p> <p>20 critique of your employment with the County, but</p> <p>21 I'm asking you for specifics.</p> <p>22 A. No, I did not complain.</p> <p>23 Q. Okay. Thank you.</p> <p>24 ///</p> <p>25 ///</p>	<p style="text-align: right;">64</p> <p>1 to happen?</p> <p>2 A. Yes, it was obvious nothing was going to</p> <p>3 happen.</p> <p>4 Q. And the one time you did make a complaint</p> <p>5 where something did happen, you had to take that</p> <p>6 all the way up to a public official?</p> <p>7 A. Yes.</p> <p>8 Q. And in your mind, did that set a standard</p> <p>9 for you as far as how your complaints were going to</p> <p>10 be treated?</p> <p>11 A. Yes.</p> <p>12 Q. And that standard, what was that standard</p> <p>13 in your mind?</p> <p>14 A. That nothing was going to happen.</p> <p>15 Q. And again, that was from your previous</p> <p>16 experience?</p> <p>17 A. Yes.</p> <p>18 Q. In regards to the -- talking about Larry</p> <p>19 Nielson, he was the foreman. Who was the foreman</p> <p>20 after Larry Nielson?</p> <p>21 A. Dale Hobby.</p> <p>22 Q. And Dale Hobby, was his management</p> <p>23 experience different than Larry Nielson?</p> <p>24 A. Yes.</p> <p>25 Q. How so?</p>
<p style="text-align: right;">63</p> <p>1 <u>FURTHER EXAMINATION</u></p> <p>2 <u>QUESTIONS BY MR. KELLER:</u></p> <p>3 Q. So I want to get back here a little bit</p> <p>4 on these complaints, if you don't mind, Cindy.</p> <p>5 A. Uh-huh.</p> <p>6 Q. You sounded a little heated, but when Del</p> <p>7 Ray had operated your truck and broke the plow, did</p> <p>8 you complain to Larry Nielson at that time?</p> <p>9 A. Yes.</p> <p>10 Q. And what happened with that complaint?</p> <p>11 A. Nothing.</p> <p>12 Q. In regards to treatment in the shop</p> <p>13 before, had Del Ray Paco ever called you any names?</p> <p>14 A. Yes.</p> <p>15 Q. What did he call you?</p> <p>16 A. Consuela, lots of different names.</p> <p>17 Q. Did you ever tell Larry Nielson that you</p> <p>18 didn't appreciate that?</p> <p>19 A. Larry was right there.</p> <p>20 Q. And Larry did nothing?</p> <p>21 A. Nothing.</p> <p>22 Q. Did that give you the impression that</p> <p>23 nothing was going to happen if you complained?</p> <p>24 A. Absolutely.</p> <p>25 Q. Was it pretty obvious nothing was going</p>	<p style="text-align: right;">65</p> <p>1 A. He was organized. I don't know. He</p> <p>2 just -- if you had something to say to him, you</p> <p>3 could take him -- go to the office and talk to him</p> <p>4 and it would be fine. You know, it was no big</p> <p>5 screaming match or -- he wouldn't just blow you</p> <p>6 off. He'd just talk to you.</p> <p>7 Q. And when Dale Hobby was there, did you</p> <p>8 make complaints to Dale Hobby?</p> <p>9 A. I had one time where I had to complain.</p> <p>10 Q. And what was that complaint?</p> <p>11 A. We had a driver that was scaring the hell</p> <p>12 out of everybody in the pit, so. . .</p> <p>13 Q. And did Dale Hobby do anything about it?</p> <p>14 A. Yes.</p> <p>15 Q. What did he do?</p> <p>16 A. He went up and talked to him.</p> <p>17 Q. So would it be safe to say that some</p> <p>18 foremen would actually take action on your</p> <p>19 complaints --</p> <p>20 A. Yes.</p> <p>21 Q. -- and others wouldn't?</p> <p>22 A. Yes.</p> <p>23 Q. Was Larry Nielson one who would not take</p> <p>24 action on your complaints?</p> <p>25 A. He wouldn't, no.</p>

<p style="text-align: right;">66</p> <p>1 Q. And the engineer at the time, would he</p> <p>2 take action on your complaints?</p> <p>3 A. With Nielson, no. Frank Page, no.</p> <p>4 Q. And again, is that from experience?</p> <p>5 A. Yes.</p> <p>6 Q. And just because you don't remember the</p> <p>7 exact date, does that mean it didn't happen?</p> <p>8 A. I t happened.</p> <p>9 Q. And you'd be willing to testify to that</p> <p>10 in front of a federal jury?</p> <p>11 A. Yes.</p> <p>12 Q. Was Dale Hobby there when Paco talked</p> <p>13 about Star sleeping with everybody?</p> <p>14 A. Yes.</p> <p>15 Q. Was Travis Ball hired after you were</p> <p>16 hired?</p> <p>17 A. Yes.</p> <p>18 Q. Did he make equipment operator 3 before</p> <p>19 you did?</p> <p>20 A. I'm sure he did, yeah.</p> <p>21 Q. Talking about your observations of</p> <p>22 people, if you actually like someone as a person,</p> <p>23 does that change your thoughts on whether or not</p> <p>24 they're a competent equipment operator or not?</p> <p>25 A. Say that again.</p>	<p style="text-align: right;">68</p> <p>1 to be an equipment operator 2?</p> <p>2 A. Yeah. She's got the willingness to --</p> <p>3 and she tries. I mean that's more than you can say</p> <p>4 for quite a few of them.</p> <p>5 Q. And was there someone else in the Cody</p> <p>6 shop -- or not Cody shop, but the Powell shop at</p> <p>7 the time that had made equipment operator 2 where</p> <p>8 Star Cornett was as skilled as that operator?</p> <p>9 A. I don't know that. I don't know.</p> <p>10 Q. And in regards to the advancement, your</p> <p>11 understanding, you said the foreman was the one who</p> <p>12 puts it in, puts people in for advancement?</p> <p>13 A. That's my understanding.</p> <p>14 Q. And then anything else beyond what the</p> <p>15 foreman did would be -- you don't understand or</p> <p>16 didn't understand?</p> <p>17 A. No, because they never explained it to</p> <p>18 us.</p> <p>19 Q. So that would be speculation on your part</p> <p>20 as to what happened after the foreman made the</p> <p>21 recommendation?</p> <p>22 A. He never did.</p> <p>23 Q. Okay. Well, I'm just saying if the</p> <p>24 foreman was to make a recommendation, you wouldn't</p> <p>25 know the exact process, would you?</p>
<p style="text-align: right;">67</p> <p>1 Q. Let me rephrase that. Have you ever seen</p> <p>2 anybody that you did not like that you still</p> <p>3 considered a decent equipment operator?</p> <p>4 A. Yes.</p> <p>5 Q. And who would that have been?</p> <p>6 A. Oh, gees, there's a lot of them. There's</p> <p>7 been a lot of good operators at the County that I</p> <p>8 really didn't care for, so. . .</p> <p>9 Q. Like who?</p> <p>10 A. At the time, Kris Cooper. Chip Ash was a</p> <p>11 good operator, and I didn't care for him.</p> <p>12 Q. And you didn't like them, but you'd still</p> <p>13 say they're good equipment operators?</p> <p>14 A. Great operators, yeah, both of them.</p> <p>15 Q. So your dislike for Del Ray Jones has</p> <p>16 nothing to do with whether or not he's a decent</p> <p>17 equipment operator?</p> <p>18 A. He's just not a decent equipment</p> <p>19 operator.</p> <p>20 Q. And getting back to the skill level, was</p> <p>21 it your understanding that advancement was based on</p> <p>22 skill level?</p> <p>23 A. Yeah.</p> <p>24 Q. And when you saw Star Cornett operate</p> <p>25 equipment, do you believe she had the skill level</p>	<p style="text-align: right;">69</p> <p>1 A. I t went to the engineer and into the</p> <p>2 commissioners meetings, I guess.</p> <p>3 Q. You're guessing, but that's --</p> <p>4 A. Yes, that's all I can tell you. That's</p> <p>5 what I guess.</p> <p>6 Q. And you don't know if an advancement had</p> <p>7 to be signed off by the county commissioners or</p> <p>8 not, do you?</p> <p>9 A. I don't know.</p> <p>10 Q. That would be speculation on your part?</p> <p>11 A. Yep.</p> <p>12 Q. And do you know if that's even in the</p> <p>13 employee handbook, on how that process happens?</p> <p>14 A. I don't think it was.</p> <p>15 Q. And in years when people did not get</p> <p>16 advanced or raises, do you know, did you have</p> <p>17 firsthand knowledge of whether that was because of</p> <p>18 budget reasons or not?</p> <p>19 A. I did not. That was what we were told.</p> <p>20 Q. In regards to Travis Ball, do you know</p> <p>21 what Travis Ball did before he came to Road &</p> <p>22 Bridge?</p> <p>23 A. He was a jailer at the Park County.</p> <p>24 Q. I didn't quite hear that. Did you say</p> <p>25 jailer?</p>

<p style="text-align: right;">70</p> <p>1 A. A jailer.</p> <p>2 Q. So he wasn't operating equipment before</p> <p>3 he came over, did he?</p> <p>4 A. No.</p> <p>5 Q. Do you know how long he was a jailer for?</p> <p>6 A. No.</p> <p>7 Q. And how do you know he was a jailer?</p> <p>8 A. I saw him in his uniform. I mean he was</p> <p>9 in the Park County website.</p> <p>10 Q. In regards to the treatment in the shop,</p> <p>11 you mentioned the silent treatment. Was it</p> <p>12 something that was obvious?</p> <p>13 A. Yes.</p> <p>14 Q. Couldn't be missed by anyone?</p> <p>15 A. It couldn't have.</p> <p>16 Q. And if you were to complain to Brian</p> <p>17 Edwards about that, do you think anything would</p> <p>18 have occurred?</p> <p>19 A. I doubt it.</p> <p>20 MR. THOMPSON: Objection, speculation.</p> <p>21 A. No.</p> <p>22 BY MR. KELLER:</p> <p>23 Q. You don't believe that Brian Edwards</p> <p>24 would have done anything?</p> <p>25 A. I don't think so.</p>	<p style="text-align: right;">72</p> <p>1 redepose you as well as use that during trial for</p> <p>2 cross-examination.</p> <p>3 THE DEPONENT: Okay.</p> <p>4 MR. KELLER: So if you want to sign it,</p> <p>5 it will come to my office, and we'll do what we can</p> <p>6 for you to sign, read and sign it. And that's up</p> <p>7 to you if you want to do that, or you can waive it.</p> <p>8 THE DEPONENT: I'll waive it.</p> <p>9 (Whereupon, the deposition was concluded</p> <p>10 at 2:27 p.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">71</p> <p>1 MR. THOMPSON: Same objections.</p> <p>2 BY MR. KELLER:</p> <p>3 Q. What makes you believe that?</p> <p>4 MR. THOMPSON: Same objection.</p> <p>5 A. I just -- you know, the things that</p> <p>6 happen at the shops, and no, I don't believe</p> <p>7 anything would have happened.</p> <p>8 BY MR. KELLER:</p> <p>9 Q. Would Brian Edwards' statement to you</p> <p>10 about trying to teach Star how to get a tougher</p> <p>11 skin, would that have any indication of why you</p> <p>12 think that your complaint would go nowhere?</p> <p>13 A. That's true.</p> <p>14 MR. KELLER: I don't have any further</p> <p>15 questions.</p> <p>16 MR. THOMPSON: We're done.</p> <p>17 THE REPORTER: Signature?</p> <p>18 MR. KELLER: So just to let you know, the</p> <p>19 way this will work is you're going to get a chance</p> <p>20 to read your transcript, go through it. You can</p> <p>21 make corrections at the end. Typically there's</p> <p>22 spelling stuff and all that. If you want to make a</p> <p>23 major correction, I just want to let you know or</p> <p>24 you want to change an answer, that's going to open</p> <p>25 things up where Mr. Thompson can come back in and</p>	<p style="text-align: right;">73</p> <p>1 <u>REPORTER'S CERTIFICATE</u></p> <p>2 STATE OF WYOMING)</p> <p>3) SS.</p> <p>4 COUNTY OF JOHNSON)</p> <p>5 I, Joan F. Marshall, a Notary Public in</p> <p>6 and for the State of Wyoming, residing at Buffalo,</p> <p>7 County of Johnson, State of Wyoming, and a Court</p> <p>8 Reporter, do hereby certify:</p> <p>9 That on the 23rd day of April 2024, at</p> <p>10 12:56 p.m., there appeared before me CYNTHIA M.</p> <p>11 STEWART, pursuant to notice and stipulation of</p> <p>12 counsel, as a witness in the foregoing cause;</p> <p>13 That pursuant to stipulation of counsel,</p> <p>14 said witness was first duly sworn by me to tell the</p> <p>15 truth, the whole truth, and nothing but the truth</p> <p>16 as she testified in said cause, and said witness</p> <p>17 was thereupon examined orally by counsel and made</p> <p>18 answer thereto, under oath, as hereinabove</p> <p>19 contained;</p> <p>20 That the foregoing testimony was taken by</p> <p>21 me in stenograph and thereafter reduced to</p> <p>22 typewriting by me or under my supervision, and the</p> <p>23 foregoing 72 pages contain a full, true and correct</p> <p>24 record of all the testimony given by the witness,</p> <p>25 to the best of my ability;</p> <p>That the reading and signing of the</p> <p>deposition were expressly waived;</p> <p>That I am not a relative or employee or</p> <p>attorney or counsel of any of the parties in said</p> <p>cause, nor am I a relative or employee of such</p> <p>attorney or counsel, nor am I financially</p> <p>interested in the action, nor am I a relative of</p> <p>any person interested in said action.</p> <p>IN WITNESS WHEREOF, I have hereunto set my</p> <p>hand and seal this 30th day of April 2024.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>JOAN F. MARSHALL, C.S.R. Notary Public 196 Links Lane Buffalo, Wyoming 82834</p> <p>My Commission expires August 24, 2029.</p>

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Exhibit 8:

Starkie Cornett Deposition Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STARKIE CORNETT,
Plaintiff,
V.) 22-CV-00034
PARK COUNTY BOARD OF COUNTY)
COMMISSIONERS and PARK COUNTY)
ROAD AND BRIDGE DIVISION OF)
THE PUBLIC WORKS DEPARTMENT,)
Defendants.)
-----)

March 12, 2024

Remote oral deposition of Starkie Cornett
conducted via Zoom in the State of Wyoming,
commencing at 9:00 a.m. on the above date,
before Barbara Morgenweck, Registered
Professional Reporter, Realtime Reporter and
Notary Public.

MORGENWECK COURT REPORTING

307.250.0220 ph

Barbcourtreporter@gmail.com

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2

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4

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8

9 On behalf of Defendant:

9

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14

15 Also Present:

16

17 Brian Edwards

17

18

19

20

21

22

23

24

25

1 EXAMINATION INDEX

2

3 PAGE:

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1 STARKIE CORNETT,

2 Having first been duly sworn, testified as

3 follows:

4 EXAMINATION

5 BY MR. THOMPSON:

6 Q. Good morning, Ma'am. Would you please
7 state your full name for the record.

8 A. Starkie J. Cornett.

9 Q. Ms. Cornett, my name is Tom Thompson. I
10 represent the Defendant Park County in this
11 matter. For purposes of this deposition today,
12 I am going to be asking you a series of
13 questions. Would you prefer that I refer to you
14 as Ms. Cornett, as Starkie or some other name?

15 A. I go by Star usually.

16 Q. You're okay with me calling you Star
17 throughout today's deposition?

18 A. Yes, sir.

19 Q. Feel free to call me Tom.

20 A. Thank you.

21 Q. Star, you just raised your right hand
22 and you swore or affirmed that you would tell
23 the truth in this deposition. Do you understand
24 that your testimony today is being given under
25 oath?

1 A. Yes, sir.

2 Q. And what does that mean to you?

3 A. Means I am going to tell you the truth
4 or else.

5 Q. Do you know what that "or else" is?

6 A. I am sure there will be legal
7 ramifications.

8 Q. You understand that your testimony is
9 subject to the penalties of perjury?

10 A. Yes, sir.

11 Q. You understand that perjury is a felony
12 in the State of Wyoming?

13 A. Yes, sir.

14 Q. Do you understand that your testimony
15 given today can be used at the trial of this
16 case in October of this year?

17 A. Yes, sir.

18 Q. Are you under the influence of any
19 substance as we sit here this morning?

20 A. No, sir.

21 Q. You have not taken any prescription
22 medications before today's--

23 A. Coffee and vitamin B.

24 Q. I am going to discuss with you some
25 rules for this deposition. These are just

1 guidelines for the purpose of having a clean
2 transcript.

3 As your attorney has probably informed
4 you, at the conclusion of this deposition, our
5 court reporter, who is taking down everything
6 that is being said, will transcribe your
7 testimony and put it in booklet format where we
8 have questions, answers, questions, maybe an
9 objection interspersed in that examination.

10 The idea at the conclusion of this
11 deposition is to have a clean transcript meaning
12 that we want to be allowed to completely ask a
13 question before you begin answering that
14 question and vice versa, I want you to
15 completely answer the question before I start
16 asking another question.

17 I tell you this because it is very
18 important that we not talk over each other, and
19 I understand there is somewhat of a delay in
20 this transmission based upon the fact that we're
21 doing this by remote means.

22 So please, let me completely ask my
23 question before you begin to answer it. And
24 you're going to anticipate some of my questions
25 when I am halfway through them, but give me a

1 chance to completely ask it before you begin to
2 answer, and I will do the same, okay?

3 A. Yes, sir.

4 Q. Are you suffering from any medical
5 condition this morning that may affect your
6 ability to recall certain events?

7 A. No, sir.

8 Q. Let me discuss with you having a clean
9 transcript, there's some other guidelines for
10 purposes of having a clean transcript at the
11 conclusion of this deposition. One of those is
12 I want you to answer the question only if you
13 understand the question, okay?

14 A. Okay.

15 Q. And so if you don't understand my
16 question, I am going to ask you to agree right
17 now that you will ask me to repeat the question
18 or ask it a different way. Do you agree to
19 that?

20 A. I agree.

21 Q. Do you agree that I can assume that if
22 you have answered a question that you have, in
23 fact, understood the question that I have asked?
24 Can we agree to that?

25 A. Yes.

1 Q. You have to give an audible answer, so a
2 head shake one way or the other is not going to
3 show up on a deposition transcript as a yes or a
4 no, so you have to give an audible response to
5 my questions. Do you agree to that?

6 A. Yes, sir.

7 Q. Uh-huh and huh-uh is not clear to me,
8 and Mr. Keller and I do not want to end up
9 before the Court arguing over whether or not you
10 agreed to something or you disagreed to a
11 question being posed, so if it is a yes or no
12 question, if you could please respond yes or no
13 versus uh-huh or huh-uh, okay?

14 A. Yes, sir.

15 Q. This deposition is going to take several
16 hours, I would guess, so if at any time during
17 the deposition you need a break, please let me
18 know, and as long as we're not in the middle of
19 a question, in other words, I have asked a
20 question and you haven't answered, we can go
21 ahead and get through that area of examination
22 and take a break for you to get up, stretch your
23 legs, use the restroom, do whatever you need to
24 do, okay?

25 A. Okay.

1 Q. Star, have you gone by any other names
2 other than Starkie Cornett?

3 A. Yes, Starkie Velvick.

4 Q. Could you spell that for the court
5 reporter, your last name?

6 A. V-as in Victor, E-L-V-as in Victor,
7 I-C-K.

8 Q. Was that a married name?

9 A. Yes, sir.

10 Q. I assume that you and Mr. Velvick are
11 divorced?

12 A. Yes, sir.

13 Q. And what is Mr. Velvick's first name?

14 A. John.

15 Q. Where --

16 A. I didn't hear the question.

17 Q. Where does Mr. Velvick live or reside?

18 A. He lived in Cheyenne. He passed away in
19 December.

20 Q. How long were you and Mr. Velvick
21 married?

22 A. About 17 years.

23 Q. Can you give me the date of marriage?

24 A. It was -- no, I actually can't.

25 Q. Can you give me the year that you were

1 married, first married to Mr. Velvick?

2 A. 1994 or, wait -- yes, 1994.

3 Q. So you divorced in approximately 2021?

4 A. No, I could be wrong on my dates. We
5 divorced in 2010.

6 Q. Any children born as issue of that
7 marriage?

8 A. Yes, one.

9 Q. What is that individual's name?

10 A. John.

11 Q. John Velvick?

12 A. Yes.

13 Q. Where does John live?

14 A. Cheyenne.

15 Q. How old is John?

16 A. He is now 28.

17 Q. Have any other children born of the
18 issue of that marriage?

19 A. No, sir.

20 Q. Are there any other marriages that you
21 have entered into other than the marriage with
22 Mr. Velvick?

23 A. Yes.

24 Q. Is that with Mr. Hoyt?

25 A. Yes.

1 Q. When were you married to Mr. Hoyt?

2 A. In the late '80s.

3 Q. What was Mr. Hoyt's first name?

4 A. William.

5 Q. Where does Mr. Hoyt reside?

6 A. I don't know.

7 Q. When did that marriage end?

8 A. In 1990.

9 Q. Where did Mr. Hoyt last reside -- what
10 was his last known address?

11 A. It was in Lander, Wyoming.

12 Q. Do you know what Mr. Hoyt does for a
13 living?

14 A. He was a pipe liner. He ran a side
15 booth.

16 Q. Gas?

17 A. Yes.

18 Q. Any children born as issue of that
19 marriage?

20 A. Yes, one.

21 Q. What is his or her name?

22 A. Brandi. Her last name is Velvick.

23 Q. Where does Brandi reside?

24 A. Cody.

25 Q. How old is Brandi?

1 A. 31.

2 Q. Which Brandi -- does Brandi work for a
3 living?

4 A. Yes.

5 Q. What does Brandi do?

6 A. She sells insurance.

7 Q. What kind of insurance does she sell?

8 A. Life insurance.

9 Q. Is it with a specific company?

10 A. Yes, the Farm Bureau.

11 Q. Have you gone by any other names other
12 than Velvick or Hoyt?

13 A. Yes, Gideon.

14 Q. Was this a married name?

15 A. Yes.

16 Q. What was Mr. Gideon's first name?

17 A. Jeff.

18 Q. What years were you and Mr. Gideon
19 married?

20 A. We were married for six months in, I
21 believe, 1987, '86, somewhere in there.

22 Q. I believe you indicated to me that you
23 were married to Mr. Hoyt in the late '80s to
24 1990?

25 A. Oh, it might have been -- I don't know,

1 I don't know what year I was married to Jeff.

2 Q. Were you married to Jeff Gideon before
3 you married Mr. Hoyt?

4 A. Yes.

5 Q. Any children as a result of that
6 marriage?

7 A. No, sir.

8 Q. Do you know where Mr. Gideon resides
9 now?

10 A. No, sir.

11 Q. Do you know what his last known address
12 was?

13 A. Somewhere in Cody.

14 Q. What did Mr. Gideon do for a living?

15 A. He worked on the oil rigs.

16 Q. Ma'am, what is your current physical
17 address?

18 A. 431 Road 10 in Powell, Wyoming.

19 Q. Is that a house?

20 A. Yes.

21 Q. Single family house?

22 A. Yes.

23 Q. Do you live there with anyone?

24 A. Yes.

25 Q. Who resides with you at that address?

1 A. Steven Ramsey.

2 Q. How would you describe the relationship
3 between you and Mr. Ramsey?

4 MR. KELLER: Tom, I am just going to
5 object; relevancy. Go ahead.

6 THE WITNESS: Companion.

7 BY MR. THOMPSON:

8 Q. How long have you and Mr. Ramsey been
9 companions?

10 A. About 14 years.

11 Q. So you and Mr. Ramsey have been
12 companions prior to your employment with Park
13 County?

14 A. Yes.

15 Q. You and Mr. Ramsey have been companions
16 throughout the time that you have been employed
17 with Park County, correct?

18 A. Yes, sir.

19 Q. Has he lived with you during that entire
20 time?

21 A. Yes, sir. Well, for probably 11 years.

22 Q. The last 11 years?

23 A. Yes.

24 Q. Continuously?

25 A. Yes.

1 Q. Anyone else living at that address other
2 than you and Mr. Ramsey?

3 A. No, sir.

4 Q. Ma'am, some of these questions are not
5 meant to embarrass you or to unnecessarily
6 invade your privacy, but you have filed a
7 lawsuit against my clients. And this is my only
8 opportunity to speak with you in this manner.
9 Do you understand that?

10 A. Yes, sir.

11 Q. All right. What is your current age?

12 A. 55.

13 Q. You and Mr. Ramsey are not married,
14 correct?

15 A. Correct.

16 Q. Let me ask you a little bit about your
17 background just so I can get to know you a
18 little bit better. Where did you grow up?

19 A. Cody, Wyoming.

20 Q. Born in Cody?

21 A. I was born in Powell.

22 Q. Did you go to school in Cody?

23 A. Yes.

24 Q. Through high school?

25 A. Yes, sir.

1 Q. Did you graduate high school?

2 A. No.

3 Q. Did you end up getting a GED?

4 A. Yes, sir.

5 Q. Congratulations on that.

6 A. Thank you.

7 Q. What year did you leave high school?

8 A. '86.

9 Q. What grade would that have been that you
10 last completed?

11 A. Ten.

12 Q. Why did you leave high school?

13 A. Because I was pregnant.

14 Q. When did you get your GED?

15 A. 1986.

16 Q. What did you do once you left high
17 school as far as employment?

18 A. I served in a restaurant for a few years
19 and then I basically did restaurant work.

20 Q. Is that an accurate statement from the
21 time that you left high school in the beginning
22 of the 11th grade, I assume, all the way up to
23 the point that you were employed with Park
24 County, Wyoming?

25 A. No, sir.

1 Q. Tell me, other than restaurant work,
2 what other occupations did you have during that
3 time period after leaving high school?

4 A. I was a bartender. I owned a hardwood
5 flooring company for 16 years. I ran a bar for
6 eight years.

7 Q. You -- when you applied for the position
8 with Park County, specifically the Operator I
9 position, you filled out an application; do you
10 recall that?

11 A. I recall filling out an application for
12 the flagger position. After that, I didn't fill
13 out another application.

14 Q. When you filled out the application for
15 the flagger position, did you provide Park
16 County with your employment history or
17 experiences?

18 A. Part of it.

19 Q. All right.

20 A. Just four jobs.

21 Q. And that would have been R&K Superbowl
22 where you worked as a bartender, correct?

23 A. Yes.

24 Q. Pinnacle Bank of Wyoming where you
25 worked approximately a year as a bank teller,

1 correct?

2 A. Correct.

3 Q. Olive Glenn Golf Course where you worked
4 as a bartender and server, correct?

5 A. Yes, sir.

6 Q. The Irma, which I understand is a hotel
7 in Cody where you worked as a server and
8 bartender?

9 A. Correct.

10 Q. And that would have been 2009 through
11 the date of your employment application, which
12 was April 3rd of 2016; is that accurate?

13 A. That's part of it, yes.

14 Q. Do you recall putting any other jobs on
15 that employment application?

16 A. I did not.

17 Q. Did you provide them a complete history
18 of your employment during those years listed on
19 your employment application?

20 A. No, sir.

21 Q. Why not?

22 A. Because it was an application for
23 flagger. I already had a job. Ron Nieters had
24 come in and said they were having a really
25 difficult time finding flaggers to fill the

1 position, and I said, Well, what hours does it
2 take? I'll do it. And so I wasn't planning on
3 this being -- it was supposed to be a temporary
4 job.

5 Q. Did you understand my last question
6 Ma'am?

7 A. Maybe not.

8 Q. Did you list all jobs that you were
9 employed working in some occupation from the
10 time period of 2009 through April of 2016 on
11 your application?

12 A. No, sir.

13 Q. What jobs did you not list?

14 A. I do wood flooring on the side still, so
15 that's what I didn't list.

16 Q. Any other jobs that you didn't list?

17 A. No.

18 MR. THOMPSON: MaryBeth, if you would go
19 ahead and share what we're going to mark as
20 Deposition Exhibit 1?

21 (Exhibit 1 was marked for
22 identification.)

23 BY MR. THOMPSON:

24 Q. Which would be Park County 893 and 894.
25 Can you see that on the screen, Ma'am?

1 A. Yes, sir. I have it in front of me
2 also.

3 Q. Is that your handwriting on Deposition
4 Exhibit 1?

5 A. Yes, sir.

6 Q. Go ahead, take a minute to look through
7 it and just let me know when you have reviewed
8 it?

9 A. Okay, I have.

10 Q. Does that appear to be your employment
11 application for Park County, Wyoming?

12 A. Yes, sir.

13 Q. Is the date on that correct that you
14 signed that as of April 3rd of 2016?

15 A. Yes, sir.

16 Q. And at the time that you signed this
17 application for employment with Park County, you
18 were working as a bartender in R&K Superbowl; is
19 that accurate?

20 A. Yes, sir.

21 Q. Is that phone number listed on page 1,
22 is that the phone number that you had at the
23 time you made this application for employment?

24 A. That was my work phone number and my
25 cell phone number, yes.

1 Q. Is that email address the email that you
2 had back when you made this application for
3 employment?

4 A. Yes, sir.

5 Q. You still have that email address?

6 A. Yes, sir.

7 Q. Do you use that email address?

8 A. Mostly for junk mail and the other
9 one -- I have another one with gmail now.

10 Q. What is that email address that has the
11 gmail account?

12 A. Skijstr@gmail.com.

13 Q. Have you used that email address to
14 communicate with anyone other than your attorney
15 concerning this subject matter of this
16 litigation?

17 A. My daughter, I believe.

18 Q. And what email communication have you
19 had with your daughter concerning this subject
20 matter of this litigation?

21 A. I asked her to look over my letter for
22 Brian Edwards and for the EEOC.

23 Q. The letter for Brian Edwards, was that
24 the letter that you wrote to him in response to
25 his letter asking you for more specification

1 concerning the complaint that you brought to
2 him?

3 A. I don't know.

4 MR. KELLER: I want to object to the
5 form of the question. I don't know if she
6 understood the question, Tom.

7 MR. THOMPSON: Okay.

8 BY MR. THOMPSON:

9 Q. Ma'am, you indicated to me that you have
10 used two email addresses, correct?

11 A. Correct.

12 Q. An AOL email address and a gmail email
13 address, correct?

14 A. Correct.

15 Q. My question to you is: Did you
16 communicate with anyone other than your
17 attorney, so the whole world other than your
18 attorney concerning the subject matter of this
19 litigation, and I believe you have answered that
20 you communicated with your daughter, and you
21 communicated with her regarding your letter to
22 Brian Edwards and your EEOC correspondence,
23 correct?

24 A. Yes, but I am unsure, it may have just
25 been the EEOC.

1 Q. Did you communicate with anyone else
2 other than your daughter concerning the subject
3 matter of this litigation?

4 A. No, sir, I do not believe so.

5 Q. Have you gone back and looked to see
6 whether or not there is any email communication
7 in either of those email accounts concerning the
8 subject matter of this litigation?

9 A. No. I guess you could add Jack
10 Hatfield, the Park County assistant district
11 attorney.

12 Q. What communication did you have with
13 Mr. Hatfield using either one of those email
14 addresses?

15 A. Mr. Hatfield wanted my documentation
16 that I had for his investigation, and that's
17 about it.

18 Q. Do you recall what that documentation
19 was they provided to Mr. Hatfield?

20 A. Yes.

21 Q. What was it?

22 A. It was the same documentation I gave to
23 Brian Edwards including my calendars, my
24 journalling, my -- that's about it. My -- just
25 my calendars and my journalling.

1 Q. All right, Ma'am. I am going to have
2 you direct your attention back to Deposition
3 Exhibit 1.

4 A. Okay.

5 Q. My understanding is that when you made
6 application with Park County, this application
7 was to go to work as a flagger for the Road &
8 Bridge Department?

9 A. Yes, sir.

10 Q. And where it says, "Please list any
11 special skills, experience or attributes you
12 bring to the position for which you are
13 applying," that section is blank, correct?

14 A. Yes.

15 Q. And at the time that you filled out this
16 application, you had a Wyoming driver's license
17 Class C with, it appears, a motorcycle
18 endorsement?

19 A. Correct.

20 Q. Is it fair to say that at the time that
21 you made application for employment with Park
22 County Road & Bridge on April 3rd of 2016, you
23 had never operated any heavy equipment?

24 A. No, sir.

25 Q. That's not fair?

1 A. No.

2 Q. What heavy equipment did you operate
3 prior to April 3rd of 2016?

4 A. A Skid Steer and a farm tractor.

5 Q. Okay. When did you operate a Skid Steer
6 prior to April 3, 2016?

7 A. It wasn't as a job, it was for personal
8 use on my property in Oklahoma, and it was back
9 in, I believe, '94 and '95, thereabouts.

10 Q. What was the personal use on your
11 property where you were required to operate a
12 Skid Steer?

13 A. Dug out a foundation for an addition on
14 a house and dug out a pond.

15 Q. Did you own that property that you're
16 referring to with anyone?

17 A. Yes, my husband at the time, John
18 Velvick.

19 Q. Where was the property located?

20 A. In Tulsa, Oklahoma.

21 Q. In city proper for Tulsa?

22 A. Yes.

23 Q. Do you recall the address?

24 A. 4109 East 23rd Street.

25 Q. Were you on the deed for that property?

1 A. Not on that one, no. I also used it on
2 our other property at 20510 West 81st Street
3 South in Sapulpa, Oklahoma. That was for the
4 pond.

5 Q. What year was that?

6 A. That was in 2002.

7 Q. Were you on the deed for that property?

8 A. Yes.

9 Q. Was your husband using the Skid Steer
10 during that same period of time?

11 A. At the property in Tulsa, yes, but not
12 at the property in Sapulpa.

13 Q. Why not at the second property?

14 A. Because he had fallen down and injured
15 his knee and was in a straight leg brace.

16 Q. For how long was he in a straight leg
17 brace?

18 A. About two months.

19 Q. Did you rent that equipment?

20 A. Yes.

21 Q. Do you recall, in regards to the
22 property in Tulsa, where did you rent that from?

23 A. I have no idea. I would like to say A-1
24 Rental, but I'm unsure.

25 Q. How long did you -- did you rent the

1 equipment for two years?

2 A. No, we rented the equipment twice.

3 Q. For how many days each time?

4 A. For the first one, it was through 4
5 days, and for the second one, it was about a
6 week.

7 Q. How about the second property; how long
8 did you rent the Skid Steer?

9 A. One week.

10 Q. So the total time would have been
11 approximately 18 days?

12 A. Correct.

13 Q. Any other experience on the Skid Steer?

14 A. No, sir.

15 Q. In regards to the farm tractor that you
16 indicate you operated, when was that?

17 A. Around 2002, and then, again, I have
18 been using one since 2013.

19 Q. As to the farm tractor that you operated
20 in 2002, where was that?

21 A. In Sapulpa, Oklahoma.

22 Q. What was the make and model, if you
23 recall, of that farm tractor?

24 A. I don't know. It was an old one. It
25 was borrowed from a neighbor.

1 Q. Did it have any implements attached to
2 it?

3 A. It had a loader bucket and it had a
4 brush hog.

5 Q. Then you also operated a farm tractor in
6 2013 to the present?

7 A. Yes.

8 Q. Where is that farm tractor located?

9 A. It's at 431 Road 10 at my address.

10 Q. What kind of tractor is it? Do you
11 recall the make and model?

12 A. It is a Kubota, a 3800 series.

13 Q. What implements are attached to that
14 Kubota?

15 A. It has got a tiller, a blade, a brush
16 hog, forklift, or forks and a bucket.

17 Q. Other than the farm tractor and the Skid
18 Steer, when you made application to Park County
19 Road & Bridge on April 3rd of 2016, had you
20 driven any other heavy equipment?

21 A. No, sir.

22 Q. Did you have -- you did not have a CDL,
23 correct?

24 A. Correct.

25 Q. Did not have a class A license?

1 A. Correct.

2 Q. Were not qualified to operate, for
3 example, a belly dump, that you now operate in
4 your capacity as an Operator II, when you went
5 to work for Park County?

6 A. Correct.

7 Q. Okay. Ma'am, when you went to Tulsa,
8 did you work in any other capacity other than as
9 a bartender or a server in Tulsa during the time
10 that you lived there?

11 A. Yes, I worked. I owned a wood flooring
12 company and I worked as a manager for Hancock
13 Fabrics.

14 Q. What did you do as a manager for Hancock
15 Fabrics?

16 A. I helped to load and unload trucks. I
17 ran the upholstery department. It was my job to
18 set up the upholstery department and set up for
19 sales and take money and measure fabrics and
20 that was about it.

21 Q. How did you load and unload trucks?

22 A. Most of it was by hand. Some of it was
23 with a -- there was a lift gate on the back of
24 the trucks, so it was just dollies and manual
25 forklifts.

1 Q. In regards to your flooring business, is
2 this wood floors?

3 A. Yes, sir.

4 Q. Does that business go by a specific
5 name?

6 A. It was called Wood Creations by John
7 Velvick.

8 Q. You indicated you still do wood
9 flooring?

10 A. Yes, sir.

11 Q. And what is the name of the company now?

12 A. Five Star Flooring.

13 Q. Is that company either limited liability
14 company or a corporation?

15 A. No, sir.

16 Q. Have you ever operated your flooring
17 company as a corporation or limited liability
18 company?

19 A. Yes, sir.

20 Q. Ask when was that?

21 A. That was when it was under Wood
22 Creations by John Velvick.

23 Q. Was that an Oklahoma limited liability
24 company or corporation?

25 A. Yes, it was a corporation.

1 Q. Did you have any ownership interest in
2 the corporation?

3 A. Yes, I had 50 percent.

4 Q. Is that a corporation still active in
5 good standing in Oklahoma?

6 A. No, sir.

7 Q. Do you recall what year that company was
8 dissolved?

9 A. Late 2009.

10 Q. Have you -- and I apologize if some of
11 these questions are repeated, but I am just
12 trying to be as thorough as possible. Have you
13 ever operated your flooring company as a limited
14 liability company or corporation in the State of
15 Wyoming?

16 A. No, sir.

17 Q. Are there any other owners of your
18 flooring company other than yourself?

19 A. No, sir.

20 Q. Are there any paid employees of your
21 flooring company?

22 A. No, sir.

23 Q. When you do a floor for a particular
24 client, is it you that does all the work to
25 install that flooring?

1 A. Yes, sir.

2 Q. Do you ever hire anybody to assist you
3 with that?

4 A. Sometimes my sons will come down and
5 help, and sometimes Mr. Ramsey will help.

6 Q. Other than Cody and the two locations in
7 Oklahoma that you have told me about.

8 MR. THOMPSON: We can go ahead take down
9 Deposition Exhibit 1.

10 MR. THOMPSON:

11 Q. Are there any other places that you have
12 resided since obtaining your GED?

13 A. Yes. I have lived in Reno. I have
14 lived in Detroit. I have lived in Cheyenne. I
15 have lived in Lander. I have lived in Casper.
16 And Tulsa.

17 Q. In regards to those locations, other
18 than Tulsa, can you give me a brief summary of
19 when you lived there and how you were employed,
20 if at all?

21 A. When I lived in Reno, I lived there in
22 '84. And part of '85, wait, no. It had to be
23 '87 and '88, I guess. And I ran a deli. I
24 managed a deli. I lived there only for a year.

25 When I lived in Detroit, I was -- I only

1 lived there for about six months. I had a
2 friend who was in a huge car accident and his
3 mother had me come and take care of him because
4 she had to work, so I was a paid caregiver.

5 In Casper, I worked for a bar as a
6 server and a dancer. In Cheyenne, I worked as a
7 server, a bartender and a dancer, and I don't
8 know, in Tulsa, I was mostly a server, and I
9 managed the Hancock Fabric's upholstery
10 department, and I ran the floor business. I did
11 the books and did the floors. And that's about
12 it, right?

13 Q. When you indicate you worked as a
14 dancer, what are you referring to?

15 A. Exotic dancer.

16 Q. What was the place of employment that
17 you worked in Casper?

18 A. North 40th.

19 Q. Is this what is commonly as referred to
20 as a strip club?

21 A. Yes.

22 Q. How about when you worked in Cheyenne,
23 same thing, did you work at a strip club in
24 Cheyenne?

25 A. Yes, sir.

1 MR. KELLER: I am just going to -- for
2 the record, just object for relevancy.

3 MR. THOMPSON: Yeah.

4 BY MR. THOMPSON:

5 Q. What was the name of the strip club you
6 worked at in Cheyenne?

7 A. Clown's Den Nightclub. I was the
8 janitor, the bartender, the DJ, the cocktail
9 waitress and a bouncer a couple of times also.
10 So that was my mother-in-law's bar.

11 Q. Ma'am, who have you discussed this
12 lawsuit with other than your attorney? I am
13 going to ask you some questions today concerning
14 conversations that you may have had. I do not
15 want to ask you about any conversations with
16 your attorney. Those are protected by the
17 attorney/client privilege, okay? These
18 questions are directed at other than
19 conversations with your attorney.

20 A. My mom and dad, my children, Steven
21 Ramsey. I have asked some of them if they would
22 be willing to give depositions, some people if
23 they would be willing to give depositions or
24 statements. And that includes Ron Nieters,
25 Christopher Cooper, Cindy Stewart, Arthur

1 Briggs, Diana Markham, Kim Cover, and Kelly
2 Triplett and James Flowers.

3 Q. Of those individuals that you have asked
4 to give depositions, has the conversation been
5 anything other than, would you be willing to
6 give your deposition in this case?

7 A. It has been, I have a case in the EEOC
8 about the Park County and their treatment of me.
9 Would you please have a deposition, or do a
10 deposition or a statement, and would you please
11 bring your documentation?

12 Q. Have you been provided any documentation
13 from any of those individuals that you have just
14 named?

15 A. No, it was their job to bring the
16 documentation.

17 Q. They have not volunteered any of that
18 documentation to you?

19 A. I told them to give it to my lawyer. I
20 did get video and a couple of pictures from
21 Chris Cooper, Arthur Briggs, and I think that's
22 all.

23 Q. Chris Cooper is no longer employed with
24 Park County?

25 A. Correct.

1 Q. He was terminated?

2 A. Yes.

3 Q. Arthur Briggs is the assistant foreman
4 at the Powell shop?

5 A. Correct.

6 Q. Chris Cooper went by the nickname
7 "Coop"?

8 A. Yes, sir.

9 Q. Arthur Briggs goes by the nickname
10 "Rowdi"?

11 A. Yes, sir.

12 Q. What videos were you provided?

13 A. I was provided with a video of me
14 running a grader, and I was provided with a
15 couple of pictures of other employees who had to
16 be pulled out of ditches and whatnot and damage
17 to equipment.

18 Q. You have actually taken photographs of
19 co-employees during your course and scope of
20 employment with Park County, correct?

21 A. Yes.

22 Q. You have also surreptitiously recorded
23 other employees without their knowledge?

24 A. Yes.

25 Q. Have you provided all of the audio

1 recordings you have made to your attorney?

2 A. Yes.

3 Q. My understanding is that there are a
4 number of those audio recordings that you no
5 longer have.

6 A. Correct.

7 Q. You lost them, your explanation for that
8 is that you lost them when you purchased a new
9 phone?

10 A. Yes.

11 Q. Had you transferred those audio
12 recordings to any sort of storage device prior
13 to purchasing a new phone?

14 A. No, I wish.

15 Q. Had you sent those audio recordings to
16 anyone prior to purchasing the new phone?

17 A. No.

18 Q. Have there been any videos that you made
19 that you no longer have?

20 A. No.

21 Q. Are there any photographs that you took
22 that you no longer have?

23 A. Probably, but I was also taking them for
24 Brian Edwards. He would ask me to take some
25 pictures of different jobs that we were on, and

1 I also took pictures while we were in line, and
2 so there is a bunch of those I no longer have.

3 Q. And in regards to the purchase of the
4 new phone, which is when you state you lost
5 these audio recordings, when did you purchase a
6 new phone?

7 A. My phone went down, I believe, in late
8 February, early March of 2020.

9 Q. Is that when you testified that you lost
10 those audio recordings?

11 A. Yes.

12 Q. Where did you buy your new phone from?

13 A. Walmart.

14 Q. Walmart, where?

15 A. Cody.

16 Q. Is there only one Walmart in Cody?

17 A. Yes.

18 Q. What kind of phone did you have prior to
19 purchasing a new phone in late February, early
20 March of 2020?

21 A. I believe it was an Android.

22 Q. What kind of -- do you know what kind of
23 Android?

24 A. I have no idea.

25 Q. What kind of phone do you own now?

1 A. It's an Apple SE, I think.

2 Q. Do you recall whether or not you had any
3 conversations with the sales representatives
4 that sold you that phone at Walmart in February
5 or March of 2020 concerning transferring that
6 data?

7 A. No.

8 Q. You don't recall?

9 A. I just brought my phone up to the
10 register and paid for it.

11 Q. Did you keep that phone?

12 A. No.

13 Q. You didn't keep the old phone?

14 A. It would not work.

15 Q. Understand that it may not have worked,
16 but did you keep it?

17 A. No.

18 Q. What did you do with it?

19 A. I couldn't tell you. It probably ended
20 up in the trash. I don't know.

21 Q. Are you certain that you disposed of it?

22 A. Fairly certain, yes.

23 Q. Have you looked for it?

24 A. No.

25 Q. Can you do that, and let your attorney

1 know if you can locate it?

2 A. Yes.

3 Q. In regards --

4 MR. KELLER: We're coming up on an hour.

5 Do you mind if we take a quick break?

6 MR. THOMPSON: Yeah, that works fine.

7 (A recess was taken from 9:51 a.m. until
8 9:57 a.m.)

9 BY MR. THOMPSON:

10 Q. Ms. Cornett, do you understand you're
11 still under oath?

12 A. Yes, sir.

13 Q. Let me ask you about your earlier
14 testimony in regards to notes and calendars and
15 recordings. My understanding would have been
16 that the recordings obviously were made prior to
17 February or early March of 2020, because that is
18 when you lost them, correct?

19 A. Yes.

20 Q. Are those --

21 A. In March is, I believe, up through
22 March.

23 Q. The recordings were prior to March of
24 2020?

25 A. Yes.

1 Q. When were they made, do you recall?

2 A. They were usually for the pre-shift
3 meeting. Every morning we have a pre-shift
4 meeting where the foreman, or whoever is in
5 charge for the day, tells us what to do and
6 basically where we're going for the day. And so
7 I would start the recording before I walked in
8 to work.

9 Q. That was always done using your phone?

10 A. Yes, sir.

11 Q. How many times did you make recordings
12 of the morning meeting?

13 A. I don't know. Probably ten or more
14 times, not more than 15.

15 Q. What was the determinative factor as to
16 whether you turned on your phone prior to going
17 into the morning meeting?

18 A. It was for my protection because Paco,
19 Delray Jones, had come up to me several times
20 and said incredibly rude things and threatened
21 me with my job and other things, and at that
22 point, he was telling other people in the shop
23 to tell me what I was going to do for the day,
24 even though we were sitting at the same table.

25 Q. I want to stop you because it is not

1 responsive to my question. My question is: Why
2 did you choose to turn on your phone on certain
3 days and leave your phone off on other days
4 prior to going into morning meeting?

5 A. I did it for probably 10 to 15 days
6 straight, and then I was told not to.

7 Q. Who told you not to?

8 A. Paco.

9 Q. How did Paco know that you were
10 recording from the very first time you record
11 it?

12 A. I don't know.

13 Q. Did Paco tell you that he knew you were
14 recording from the very first time you made a
15 recording?

16 A. No.

17 Q. Did Paco find out you were recording on
18 or about the 15th time you recorded?

19 A. I couldn't tell you when he found out.

20 Q. Do you know how he found out?

21 A. I believe it was Tim sitting next to me
22 told him.

23 Q. Tim being Tim Morrison?

24 A. Yes, sir.

25 Q. Did you admit to Paco that you had been

1 recording?

2 A. Yes.

3 Q. Did he ask for the recordings?

4 A. No.

5 Q. Do you recall when that would have been
6 that you started making those 15 consecutive
7 recordings?

8 A. Probably the end of February.

9 Q. Of 2020?

10 A. Yes.

11 Q. Prior to filing the complaint, going to
12 Brian Edwards and filing a complaint, did you
13 ever provide Brian with any notes or calendaring
14 --

15 A. No.

16 Q. -- prior to that time?

17 Were you making notes and calendaring
18 prior to going to Brian and filing the
19 complaint?

20 A. Yes, sir.

21 Q. What did you do with those notes?

22 A. I kept them.

23 Q. Do you have all the notes that you made?

24 A. Yes.

25 Q. Do you have all of the calendar entries

1 that you made?

2 A. Most of them.

3 Q. Which ones do you not have?

4 A. The ones that my cat threw up on and I
5 had to get rid of.

6 Q. What days or months are those that you
7 had to get rid of?

8 A. My 2017 calendar and part of one of my
9 journals.

10 Q. Which year would the journal be for?

11 A. All of my journals are basically just
12 kind of like a notebook or a bound journal book.
13 They just -- they can range from one to four
14 years, so there is -- I want to say that one was
15 2017 through 2019.

16 Q. So the cat threw up on all calendaring
17 for 2017 and notes for 2017 through 2019?

18 A. My journal for 2017, part of 2017
19 through 2019, and then my whole calendar for
20 2017.

21 Q. Your testimony under oath is that the
22 cat threw up on those and destroyed those?

23 A. Yes.

24 Q. How big of a cat is it?

25 A. Well, she was a pretty big cat. She

1 died shortly after that. She was in renal
2 failure.

3 Q. Have you provided all of the calendars
4 and all of the diaries that have not been
5 destroyed? Have you provided those all to your
6 attorney?

7 A. No.

8 Q. Why not?

9 A. Because some of it is my personal
10 journal for my personal life.

11 MR. THOMPSON: Counsel, I believe there
12 is discovery request in for that documentation,
13 so maybe we can talk later this week in regards
14 to that.

15 MR. KELLER: Yep. Sounds good.

16 BY MR. THOMPSON:

17 Q. Did you ever -- prior to filing this
18 complaint with Brian Edwards, did you ever
19 provide Brian Edwards with any photographs where
20 you believe an operator had caused the problem,
21 in other words, an operator had taken a grader
22 off the road or a belly dump off the road?

23 A. Not to my knowledge, no.

24 Q. The photographs that you might have
25 provided to Brian Edwards prior to filing the

1 complaint were just photographs of a job being
2 done by Park County Road & Bridge, correct?

3 A. Correct.

4 Q. So prior to filing the complaint with
5 Brian Edwards, you had never provided him any
6 recordings, any calendars, any diaries or any
7 photos of what you perceived to be operator
8 error?

9 A. No, sir.

10 Q. Is that correct?

11 A. Yes, sir.

12 Q. You had also mentioned, Ma'am, that your
13 sons will help you come down -- will come down
14 and help you do flooring. For some reason, I
15 only took down one son in Cheyenne. Do you have
16 another son that I didn't ask you about?

17 A. Yes, sir, and another daughter.

18 Q. What is the other son's name that we
19 haven't talked about?

20 A. Jesse Cornett.

21 Q. Where does Jesse live?

22 A. Right now he is in Florida until April.

23 Q. What happens in April?

24 A. In April he moves back up to Colorado in
25 the Fort Collins-Loveland area.

1 Q. How old is Jesse?

2 A. Jesse is 35.

3 Q. So I assume Jesse doesn't fly from
4 Florida to help you with wood flooring at the
5 present time?

6 A. Sometimes. It depends on what he is
7 doing at work.

8 Q. How many times has he flown from Florida
9 to Park County to assist you with a flooring
10 project?

11 A. He usually drives.

12 Q. How many times has he driven from
13 Florida to Cody, Wyoming to assist you with a
14 flooring project?

15 A. Once in the past five years.

16 MR. KELLER: I am going to just object
17 to that line of questioning too on relevancy.

18 BY MR. THOMPSON:

19 Q. Ma'am, what is your daughter's name that
20 we haven't talked about?

21 A. Kristen Grant.

22 Q. Where does Kristen live?

23 A. Deaver, Wyoming.

24 Q. Either I didn't understand you, or I
25 have never heard of it. Can you spell that for

1 me?

2 A. D-E-A-V-E-R.

3 Q. How old is Kristen?

4 A. 37.

5 Q. What does Kristen do in Deaver, Wyoming?

6 A. She is a captain of the volunteer fire
7 department. She runs a 600-acre ranch.

8 Q. What does Jesse do in Florida?

9 A. He is a captain of a guide boat
10 fishing -- he is a fishing guide on a -- and a
11 captain on a boat.

12 Q. You gave me a list of individuals that
13 you have talked to about this lawsuit starting
14 with your mother and father, who I believe that
15 is Margo and Thomas Cornett, correct?

16 A. That is correct.

17 Q. There was a period of time that you
18 lived with your mother and father while working
19 for Park County Road & Bridge; is that correct?

20 A. That is incorrect.

21 Q. Where do Margo and Thomas live?

22 A. Cody, Wyoming.

23 Q. What are the conversations that you have
24 had with your mother and father?

25 A. Conversations about how my job is going,

1 how my training is going, how my court case is
2 going, how I feel on any given day, my
3 frustrations, my worries, just what you
4 generally talk to your parents about.

5 Q. It is my understanding -- I'm sorry.
6 You weren't finished and I stepped on your
7 answer.

8 A. Just whatever you talk to your parents
9 for -- about, when you need advice on different
10 things.

11 Q. It is my understanding that your mother
12 has encouraged you or did encourage you to make
13 recordings at work; is that correct?

14 A. My mom did, and so did a couple of the
15 other people that I work around. They told me,
16 Document everything.

17 Q. Chris Cooper?

18 A. No.

19 Q. Did Mr. Cooper encourage you to file a
20 lawsuit against Park County?

21 A. No, he did not.

22 Q. You never had any discussions with
23 Mr. Cooper prior to his termination about filing
24 a lawsuit against either Park County or Paco?

25 A. No.

1 Q. Ma'am, what have you done in preparation
2 for your deposition today?

3 A. I have gone through my calendars and my
4 notes. I have gone through the -- oh, the stuff
5 for the interrogatories. I have looked over the
6 letters from Bryan, from Bryan Skoric; from me
7 to them. Any emails that I have gotten, and I
8 have spoken with my attorney.

9 Q. Have you ever given a deposition before?

10 A. No.

11 Q. Have you ever testified under oath in a
12 court proceeding of any kind?

13 A. Yes, sir.

14 Q. When did you testify under oath?

15 A. A long, long time ago, probably when I
16 was about 16 or 17.

17 Q. What context were you testifying under
18 oath?

19 A. It was -- I had been ticketed for citing
20 a riot, for driving down Main Street and yelling
21 out the window, and that is when.

22 Q. Where did that occur?

23 A. In Cody.

24 Q. Any other occasions where you testified
25 under oath?

1 A. Not that I can remember.

2 Q. Since April of 2016, have you used any
3 social media accounts?

4 A. I used to be on Facebook, and I believe
5 in 2019, I went off Facebook.

6 Q. Did you ever post anything on Facebook
7 concerning your employment with Park County Road
8 and Bridge?

9 A. No, only pictures of jobs we were on or
10 informative little things like, Hey, everybody,
11 beware, we're going to be chip sealing on road
12 whatever, but that's it.

13 Q. Why did you get off Facebook in 2019?

14 A. Biden was running for president and a
15 bunch of people were getting very angry at
16 people and the wolf culture started in, and I
17 was over it.

18 Q. So for reasons unrelated to your
19 employment with Park County, you got off of
20 Facebook?

21 A. Yes, sir.

22 Q. Have you ever had any other social media
23 accounts other than Facebook?

24 A. No. Snapchat, but.

25 Q. Can't profess to know how Snapchat

1 works, but?

2 A. I don't either.

3 Q. Do you still have a Snapchat account?

4 A. Yes.

5 Q. Do you use Snapchat?

6 A. I check messages from my son. He sends
7 fishing videos.

8 Q. Have you communicated with anyone on
9 Snapchat concerning the subject matter of this
10 litigation?

11 A. No.

12 Q. Any other social media that you use or
13 have used since April of 2016?

14 A. No, sir.

15 Q. Have you communicated with anyone, and I
16 think we touched on this, but I just want to be
17 able to check this off. Have you communicated
18 with anyone by email about this lawsuit other
19 than your attorney?

20 A. Only Jack Hatfield and my daughter
21 Brandi.

22 Q. How about messaging? In other words,
23 the ability to text someone? Have you
24 communicated with anyone concerning this lawsuit
25 or your employment with Park County other than

1 your attorney?

2 A. Yes. Ron Nieters, Rowdi Briggs, Chris
3 Cooper, maybe.

4 Q. When is the last time you communicated
5 with Ron Nieters concerning this lawsuit?

6 A. Well, I had called him a couple of weeks
7 ago on something unrelated, and he told me he
8 had a deposition to do on the 14th. Other than
9 that, it would have been about three months
10 before since I had talked to him, but generally,
11 we don't talk about the lawsuit so.

12 Q. Do you still have all the text messages
13 for any communication you have had with Ron
14 Nieters?

15 A. No.

16 Q. What did you do with the text messages?

17 A. Most of them were on my old phone.
18 There were some on this phone, but I just -- I
19 try not to clog up my phone. It's an older
20 phone now, and it just -- I don't.

21 Q. Your complaint in this matter was filed
22 on February 16th of 2022. Have there been text
23 messages with Ron Nieters since then?

24 A. No.

25 Q. You have not had any text messaging with

1 Ron Nieters since February of 2022?

2 A. Not that I'm aware of.

3 Q. How about text messages with Rowdi
4 Briggs during that time period?

5 A. Yes. We text each other occasionally.

6 Q. Do you have those text messages?

7 A. Yes, I believe I do.

8 Q. Have you provided those to your
9 attorney?

10 A. No, sir.

11 Q. I'd ask you not to delete any messages
12 or emails or other electronically stored
13 information that you may have on any device
14 concerning the subject matter of this litigation
15 or your employment with Park County.

16 A. Okay.

17 Q. What about text messages with Chris
18 Cooper?

19 A. I have some of those.

20 Q. Same thing. Please don't delete those
21 or do anything that damages the integrity of
22 those messages.

23 A. Okay.

24 Q. Have you text messaged anyone else other
25 than those individuals concerning this lawsuit?

1 A. No.

2 Q. Ma'am, I talked to you a little bit
3 about your GED and your employment history. I
4 assume that you never -- prior to your
5 employment with Park County, you never attended
6 a trade school; is that fair?

7 A. That is fair.

8 Q. Prior to your employment with Park
9 County, you've never underwent any formal
10 training on how to operate heavy equipment?

11 A. Correct.

12 Q. Even after you were hired by Park County
13 to be an Operator I with Road & Bridge, you did
14 not have your CDL, correct?

15 A. Correct.

16 Q. Did Park County assist you in obtaining
17 that CDL?

18 A. Yes.

19 Q. Could you explain to the jury what a CDL
20 is?

21 A. CDL is a commercial driver's license to
22 operate vehicles that are 26,000 pounds or more.
23 It can be interstate or intrastate. You can be
24 hauling anything from sand to groceries,
25 basically. It's a big deal. It's a commercial

1 driver's license. I don't know what you want.

2 Q. I just want your explanation of what one
3 is. Is that your answer?

4 A. Yes.

5 Q. When did you obtain your CDL?

6 A. I obtained my permit, I believe, in
7 September or October, and then I got my actual
8 CDL in November of -- was it -- it was either
9 2016 or 2017.

10 Q. And that was --

11 A. Sorry.

12 Q. Go ahead?

13 A. That was when they hired me on
14 full-time. The contingency was they would wait
15 and see if I could pass my driving test before
16 they hired me on full-time. Then they hired me
17 on full-time. I believe my CDL driving test was
18 on November 7th, and then I think November -- I
19 want to say, 11th, they put me on as a full-time
20 operator.

21 Q. Is that interstate or intrastate?

22 A. Well, for them it is interstate, I
23 believe, but I do drive for other companies, so
24 I do have the intrastate license.

25 Q. My understanding is that interstate

1 would be within --

2 A. Okay, intra.

3 Q. -- the state of Wyoming, and intrastate
4 would be outside of the state of Wyoming. Do
5 you recall what your driver's license is?

6 A. Mine is interstate.

7 Q. So you can drive in other states?

8 A. Yes.

9 Q. You indicated you drive for another
10 company. Are you employed -- currently, are you
11 employed with another company?

12 A. Yes, sir.

13 Q. What company is that?

14 A. MTC Logistics.

15 Q. How are you employed with MTC Logistics?

16 A. I run the mail from Powell, Ralston and
17 Cody to Casper and back again.

18 Q. How often do you run the mail between
19 those locations and Casper?

20 A. Once or twice a month.

21 Q. Is that on weekends?

22 A. Yes.

23 Q. When you run the mail back and forth to
24 Casper, how many hours does that take you?

25 A. 11 to 14.

1 Q. When you run the mail on weekends for 11
2 to 14 hours, do you notify your supervisor at
3 Park County Road & Bridge?

4 A. No.

5 Q. Let me finish the question.

6 A. Sorry.

7 Q. Do you notify your supervisor of Park
8 County Road & Bridge that you will not be able
9 to respond to an on-call request for assistance?

10 A. No.

11 Q. Why not?

12 A. People will usually tell us if we are
13 going to be on call for the weekend. My
14 agreement with my job at MTC Logistics is if I
15 am on call, if there is a weather event coming
16 up, then I will have -- there will be a
17 replacement driver put in place to go run the
18 mail.

19 Q. Who is your supervisor at MTC Logistics?

20 A. Matt Croft.

21 Q. What is Matt's title?

22 A. Owner-operator.

23 Q. Where does Matt reside?

24 A. Utah.

25 Q. Do you have Matt's contact information?

1 A. I do.

2 Q. Including his phone number?

3 A. I do.

4 Q. Do you have that memorized?

5 A. No, I can get it though.

6 Q. Okay.

7 A. I just got his -- his phone number is
8 (801) 641-4109.

9 Q. Is this agreement that you spoke of that
10 when you are on call with Park County Road &
11 Bridge that he will get an alternate driver; is
12 that a document that -- that that agreement was
13 reduced to writing?

14 A. Not that I'm aware of. I have been
15 running for him for at least three, maybe four
16 years.

17 Q. It is just a verbal understanding with
18 Matt?

19 A. Yes.

20 Q. Any other employment other than MTC
21 Logistics?

22 A. Up until 2019, I believe, 2019, maybe
23 early 2020, I would make runs for special ops
24 out of Cody, Wyoming.

25 Q. What is special ops?

1 A. They run fire trailers, they run trucks
2 all over the United States, the FEMA trucks or
3 trailers and the fireman's quarters, fireman's
4 lounges and kitchens for the big fires across
5 the United States, so you pull doubles. It
6 could be to California, it could be to New York,
7 it could be to Toledo, it could be to Houston,
8 it could be to anywhere.

9 Q. Would you do that on the weekends?

10 A. No.

11 Q. When would you work for special ops?

12 A. I would -- I would ask my foreman. The
13 last time I ran was when I was in Cody. I asked
14 my foreman for four days off, and that's -- I
15 went Monday, Tuesday, Wednesday and Thursday.

16 Q. When you say "in Cody," you're referring
17 to the Cody shop of the Park County Road &
18 Bridge?

19 A. Yes.

20 Q. Have you ever been terminated from any
21 employment?

22 A. No, not that I'm aware of.

23 Q. Have you ever applied for unemployment?

24 A. I think I did, but I can't remember.

25 Q. In the State of Wyoming?

1 A. I don't remember.

2 Q. Prior to coming to work for Park County
3 as an Operator I, what was the highest paying
4 job you ever held?

5 A. I am going to say my wood flooring
6 business.

7 Q. Okay.

8 A. Then after that R&K Superbowl.

9 Q. R&K Superbowl was where you were working
10 at the time you made application in April of
11 2016?

12 A. Yes.

13 Q. What was your hourly rate of pay at
14 M&K -- or excuse me, R&K Superbowl?

15 A. I believe I was making \$12 an hour plus
16 tips.

17 Q. Was that a full-time job?

18 A. Yes.

19 Q. What was the -- your initial rate of pay
20 when you started with Park County as a flagger?

21 A. \$13.71. Oh, \$12 an hour for a flagger.

22 Q. Why did you leave the job with R&K to
23 take a job with Park County as a flagger when
24 you weren't getting any increase in pay?

25 A. I didn't leave my job with R&K

1 Superbowl. I did both jobs.

2 Q. So R&K became a part-time job?

3 A. No.

4 Q. So you were doing --

5 A. R&K was --

6 Q. Let me finish. You were working
7 80 hours a week at two different jobs full-time?

8 A. It wasn't necessarily 80 hours a week,
9 no.

10 Q. Were you working 40 hours a week at R&K?

11 A. Off and on.

12 Q. So this is while you're employed as a
13 flagger for Park County?

14 A. Yes.

15 Q. Are you working 40 hours or more as a
16 flagger for Park County?

17 A. Yes.

18 Q. So you -- at times, you were working
19 80 hours a week for both R&K and Park County?

20 A. If I worked -- had to work late as a
21 flagger, I would call R&K and tell them I
22 couldn't make it in, or I wouldn't be in until
23 late. I usually worked from five in the evening
24 until around midnight -- well, anywhere from ten
25 to midnight on the evening shift at the

1 bowling -- at the R&K Superbowl. So I would say
2 I was probably getting 25 hours to 35 hours at
3 the Superbowl.

4 Q. Why did you decide to apply to be a
5 flagger with Park County?

6 A. Because Ron Nieters said they were
7 having problems getting flaggers, and I had
8 flagged before, and I said, I'll do it. I had
9 all of my days off except for my weekends, and
10 it was supposed to be four days a week so.

11 Q. You didn't -- I don't recall you telling
12 me about flagging before employment with Park
13 County.

14 A. I did that when I was 17 and 18 years
15 old on the road between Riverton and Lander, and
16 that was, I guess, probably for about four
17 months.

18 Q. When you flagged before, when you were
19 17 or 18 years old, who did you work for?

20 A. I don't know. It was someone out of
21 Lovell. I don't remember the name of the
22 company.

23 Q. So it was a private company, not a
24 public entity?

25 A. Correct.

1 Q. Did you receive any certificate for
2 being a flagger?

3 A. I believe so. We had to test, so.

4 Q. So you decided to make application after
5 discussing it with Ron Nieters?

6 A. Yes.

7 Q. And at the time that you and Ron Nieters
8 had that conversation, where were you at; what
9 sort of setting were you in?

10 A. I was bartending, and he and his ex-wife
11 came in and were talking about how he needed
12 flaggers.

13 Q. Did you know Ron Nieters prior to that
14 conversation?

15 A. A little bit. I knew his ex-wife more.

16 Q. What was Ron Nieter's position with Park
17 County Road & Bridge when you had that
18 conversation with him?

19 A. He was a foreman of the Cody shop.

20 Q. Other than Ron Nieters, had you -- did
21 you, prior to making your application with Park
22 County in April of 2016, did you know any of the
23 other Park County Road & Bridge employees?

24 A. Yes.

25 Q. Who?

1 A. Tommy Thompson, I knew of Tom Hiltz, and
2 I think that's it.

3 Q. How did you know Tommy Thompson?

4 A. Because we went to the same high school
5 and he was somebody everybody knew, just like
6 Ron Nieters was someone everyone knew. Tom
7 Hiltz, they were all jocks, so everybody knew
8 them.

9 Q. So you knew them from high school, or
10 you knew them just from being in the community
11 or both?

12 A. I knew them both.

13 Q. You were hired on as a flagger with Park
14 County, correct?

15 A. Yes.

16 Q. So as a flagger, were you required to
17 operate any equipment?

18 A. Yes.

19 Q. What equipment were you required to
20 operate?

21 A. Ron had me and the other flagger, we ran
22 the brooms, the sweepers that swepted the sand
23 off the road. I ran the mower, and other than
24 that, it was pickup trucks, big old trailers,
25 air compressors to clean off bridges, and other

1 than that, I would just say pickup trucks.

2 Q. How long did you work for Park County as
3 a flagger?

4 A. Two summers.

5 Q. And when did you apply for the
6 Operator I position?

7 A. At the end of the second summer.

8 Q. You said that you did not make any
9 written application for the Operator I position?

10 A. I don't recall that, no.

11 Q. Do you recall how you found out about
12 the Operator I job?

13 A. There was a gentleman who was retiring.
14 His name was Art. I don't know his last name,
15 but he was retiring, and I said, How do I get
16 his job? And Ron told me, You have to have a
17 CDL. So that afternoon, we weren't doing
18 anything. I asked if I could leave early, and I
19 went down and I did my test. I got my CDL
20 permit.

21 Q. So is it your testimony that you
22 obtained your CDL permit before you were
23 employed with Park County as an operator?

24 A. Yes.

25 Q. And did you make written application for

1 Operator I?

2 A. Not that I recall.

3 Q. Did you interview for the job?

4 A. Not that I recall.

5 Q. Do you know whether or not the job was
6 advertised?

7 A. Yes, it was.

8 Q. And where was it advertised?

9 A. In the Cody paper, the *Cody Enterprise*.

10 Q. Do you know if there were any other
11 applicants for that job?

12 A. No, I do not.

13 Q. Who hired you?

14 A. I guess it has to go through the
15 commissioners, and Ron had gone to Brian Edwards
16 and talked to him. And then they talked to the
17 commissioners, and from what I was told is he
18 went to bat and told them we can train her
19 however we want without any bad habits. And so
20 they said, Well, if she can pass all of the
21 tests, then we'll hire her on.

22 Q. Were they having that discussion due to
23 your lack of experience operating heavy
24 equipment?

25 A. I wouldn't know that.

1 Q. Did you ever hear about that?

2 A. No.

3 Q. When you say "they went to bat for you,"
4 what does that -- what are you referring to?

5 A. Ron went out there and put his name on
6 it and said, She can do this.

7 Q. She can be trained?

8 A. Yes.

9 Q. Do you know if Park County had ever
10 hired an Operator I who had no experience
11 operating heavy equipment?

12 A. Several.

13 Q. Who's that?

14 A. Travis Ball. Phil Heeg.

15 Q. Spell Phil's last name?

16 A. H-E-A-G [sic], Phil Heeg.

17 I think there is a couple others, but I
18 don't recall their names. I'm sorry.

19 Q. When was Travis Ball hired on to Road &
20 Bridge?

21 A. I don't know.

22 Q. After you?

23 A. Before me.

24 Q. Was he still working when you started
25 your job as an Operator I?

1 A. Yes.

2 Q. Which shop did he operate out of?

3 A. Cody.

4 Q. How do you know what his employment
5 history was prior to coming to work for Park
6 County?

7 A. He was showing me how to water roads and
8 told me he had to get his CDL. The county
9 actually helped him get his CDL as well. We
10 talked while he also trained me in certain
11 things.

12 Q. Having operated heavy equipment doesn't
13 require a CDL, does it?

14 A. No.

15 Q. So how do you know whether or not he
16 operated heavy equipment prior to coming to work
17 for Park County?

18 A. He had worked for the sheriff's
19 department as a dispatcher, and I don't know.

20 Q. Do you know whether or not he operated
21 heavy equipment prior to coming to work for Park
22 County?

23 A. No, I don't.

24 Q. Do you know whether or not Phil Heeg
25 operated heavy equipment prior to coming to work

1 for Park County?

2 A. No, I don't.

3 Q. Do you have anyone other than Travis
4 Ball or Phil Heeg that you know of that came to
5 work for Park County as an Operator I without
6 any experience operating heavy equipment?

7 A. Kenny Marchant told me he had only run a
8 farm tractor somewhat like my Kubota and a Skid
9 Steer a little bit before he came to work, but
10 that's all I know.

11 Q. Do you know that Kenny Marchant had his
12 own construction company?

13 A. Where he ran a tractor and a truck.

14 Q. His testimony will be provided in this
15 case, and you wouldn't dispute if he comes in
16 and testifies that he has experience operating
17 heavy equipment. You wouldn't have any reason
18 to dispute that, would you?

19 A. He told me he had run a tractor about
20 like my farm -- my Kubota farm tractor and a
21 Skid Steer, and he told me that, and I had to
22 show him -- he said he had never run a loader
23 before, and I had to show him how to switch it
24 from manual to automatic, and how to put the
25 ride control on and do a couple of things,

1 because he was loading very dangerously and
2 having a difficult time.

3 Q. Well, we'll talk to Kenny Marchant in
4 the next go round in depositions.

5 A. Perfect.

6 MR. THOMPSON: MaryBeth, if you would
7 put up deposition Exhibit 2 bates 931?

8 (Exhibit 2 was marked for
9 identification.)

10 BY MR. THOMPSON:

11 Q. Ma'am, I have just shared screen with
12 you what has been marked as deposition
13 Exhibit 2. Go ahead, it's a two-page document.
14 Just look that over. I have a couple questions
15 in regards to this.

16 Have you reviewed it?

17 A. Yes, I have.

18 Q. Does this look familiar to you?

19 A. No, but...

20 Q. Is that your signature at the bottom of
21 page 1?

22 A. It is.

23 Q. Your signature is dated 11/7 of 2016?

24 A. Yes.

25 Q. This document is titled "Full-Time New

1 Employee Orientation," correct?

2 A. Yes.

3 Q. For Park County, Wyoming; is that
4 correct?

5 A. That is correct.

6 Q. This indicates that you began full-time
7 employment as an Operator I with Park County on
8 November 7th of 2016, correct?

9 A. Correct.

10 Q. Your rate of pay was 13.71 an hour,
11 right?

12 A. Yes, sir.

13 Q. As far as an hourly wage, this was the
14 highest wage you had ever received up to that
15 point in time, correct?

16 A. No, incorrect.

17 Q. Can you tell me what job you worked at
18 that had a higher rate of pay per hour than this
19 job?

20 A. Wood Creations by John Velvick.

21 Q. Were you paid hourly when you worked for
22 John Velvick?

23 A. Yes.

24 Q. Do you have any documentation indicating
25 that employment?

1 A. I might have my tax returns from then,
2 one of them.

3 Q. Do you have a W-2 statement from John
4 Velvick?

5 A. I may have.

6 Q. What was the rate of pay that you
7 received from John Velvick?

8 A. I was making \$14 an hour.

9 Q. Why did you stop working as a wood
10 finisher if you were making higher wage?

11 A. I was going through a divorce and I
12 moved from Oklahoma to Cody.

13 Q. Well, I understand that, but you have
14 your own wood finishing business now, correct?

15 A. Correct.

16 Q. If you can make a higher wage doing
17 that, why not work in that capacity versus an
18 operator for the Road & Bridge?

19 MR. KELLER: I'm just going to object on
20 relevancy.

21 BY MR. THOMPSON:

22 Q. Go ahead.

23 A. Because I am 55 years old. The tools
24 aren't getting any lighter, and insurance and
25 having your own small business has gotten pretty

1 expensive.

2 Q. Other than Wood Creations -- you were
3 part owner in that business, correct?

4 A. Correct.

5 Q. Other than Wood Creations, had you been
6 employed in any other capacity at a higher rate
7 of pay other than 13.71 an hour?

8 A. Yes. When I was working for -- too busy
9 and I ran a bar, I was making \$18 an hour
10 approximately, but I don't know how I can show
11 you that because that was back in '87, and I'm
12 sure I don't have my taxes from that. I also
13 worked as a security guard, which I didn't put
14 that down either. Sorry. I worked as a
15 security guard for an oil company, and I worked
16 nights. That was \$18 an hour.

17 Q. How long did you work for the oil
18 company as a security guard?

19 A. I worked there for about six months.

20 Q. Where was that?

21 A. That was on the Colorado-Wyoming border.
22 They were putting in a pump station.

23 Q. What was the name of the oil company you
24 worked for?

25 A. I don't recall.

1 Q. What year did you work for an oil
2 company as a security guard making \$18 an hour?

3 A. That was about 1987 or '88, somewhere in
4 there.

5 Q. You've provided us with your social
6 security earnings history, correct?

7 A. Yes.

8 Q. That document is an accurate reflection
9 of the wages that you have earned over the
10 years?

11 A. I think so.

12 Q. Did you look at it?

13 A. Not really, no.

14 Q. Can we get a page 2 of this document?

15 A. Okay.

16 Q. Part of the new employee orientation as
17 set forth on Exhibit 2, page 2, is an FMLA
18 Employee Rights and Responsibilities, and it
19 shows -- includes the word "provided." Do you
20 recall receiving your FMLA Employee Rights and
21 Responsibilities when you signed this document
22 back in November 7th of 2016?

23 A. No.

24 Q. Do you know why you signed it and
25 checked -- that block was checked?

1 A. Because every new or employee
2 orientation you go and you sit in a room with
3 Bobbie Hinze, and she has a whole bunch of
4 paperwork, and she hands you each piece of
5 paperwork and just says, You can go over this
6 later. This just says this, this just says
7 that. Just sign here, sign here, and you spend
8 about an hour signing all of these things, and
9 then you take this whole packet of things home.
10 So I can remember some of it. I don't remember
11 some of it also.

12 Q. But you don't dispute you were provided
13 the documentation?

14 A. Yes.

15 Q. You don't dispute or do you dispute?

16 A. I do not dispute.

17 Q. Let's go to the next exhibit, Exhibit 3,
18 bates 1278.

19 (Exhibit 3 was marked for
20 identification.)

21 THE WITNESS: Okay.

22 BY MR. THOMPSON:

23 Q. Ma'am, do you recognize what's been
24 marked as deposition Exhibit 3?

25 A. Yes.

1 Q. What is it?

2 A. It's the policy manual for Park County.

3 Q. Were you provided a policy manual when
4 you began your employment with Park County?

5 A. Yes.

6 Q. If we go to the very end of that
7 exhibit, there is an Employee Acknowledgement
8 Form. Do you see that?

9 A. Yep.

10 Q. Park County 937 is the bates number. Is
11 that your signature on this document?

12 A. It is.

13 Q. Do you see the middle paragraph stating,
14 "I understand"?

15 A. Yes.

16 Q. Could you read that out loud?

17 A. "I understand it is my responsibility to
18 become familiar with the contents of the
19 personnel and policy manual."

20 Q. And you also understand that your
21 employment when you signed on with Park County
22 was at-will?

23 A. Yes, sir.

24 Q. What does "AT-WILL" mean to you?

25 A. It means I can quit if I want to at any

1 given time, or they can fire me at any given
2 time with no reason given.

3 Q. Did you, in fact, become familiar with
4 the contents of the personnel and policy manual?

5 A. Some of it. Most of it, yes.

6 Q. Why wouldn't you become familiar with
7 the entire manual?

8 A. Because it is -- you can read over it,
9 you can go through it, you're not going to
10 remember it all. I have gone through it all.

11 Q. Maybe you misunderstood my question.
12 Did you become familiar with the manual?

13 A. Yes.

14 Q. If you'd look to the second page of this
15 exhibit, there is a chapter from the manual
16 beginning on page 16, Park County 1295 is the
17 bates number, and it states, there is a
18 paragraph at the top titled "Equal Employment
19 Opportunities." Do you see that?

20 A. Yes, sir.

21 Q. Did you become familiar with the Equal
22 Employment Opportunities section of the manual?

23 A. Yes.

24 Q. Did you ever have any questions about
25 what that meant?

1 A. No.

2 Q. Did you ever -- strike that.

3 Did the first paragraph under Equal
4 Employment Opportunities, it states, second
5 sentence, "Park County does not discriminate
6 against applicants or employees for any status
7 protected by state or federal law."

8 You would certainly agree with me that
9 Park County did not discriminate against you on
10 the basis of your gender, female, in the
11 application process, correct?

12 A. Not in the application process, no.

13 Q. They hired you without any experience on
14 heavy equipment, correct?

15 A. Correct.

16 Q. You understood that Park County had an
17 equal employment opportunity statement in their
18 personnel manual which applied to all employees
19 of Park County, correct?

20 MR. KELLER: Tom, I'm just going to
21 object on the form of the question. I think it
22 was kind of long.

23 MR. THOMPSON: Sure. We will go through
24 it piece by piece.

25 BY MR. THOMPSON:

1 Q. Ma'am, did Park County have an equal
2 employment opportunity statement in their
3 personnel manual?

4 A. Yes.

5 Q. You understood that when you first
6 became an employee with Park County by virtue of
7 signing the acknowledgement?

8 A. Yes.

9 Q. This included a statement that they
10 complied with Title 7 of the Civil Rights Act?

11 A. Yes.

12 Q. And the Equal Pay Act, correct?

13 A. Yes, sir.

14 Q. Then it was unlawful to harass anyone
15 under any of these federal laws for making a
16 complaint, correct?

17 A. Correct.

18 Q. Let me have you turn to the next page,
19 Park County 1296 is the bates number. Do you
20 see at the top of that page that it talks about
21 how complaints of harassment or discrimination
22 are to be handled?

23 A. Yes.

24 Q. Did you ever bring a complaint of
25 harassment or discrimination to the attention of

1 the Park County attorney?

2 A. No, sir.

3 Q. Why not?

4 A. Because Brian Edwards told me he was HR
5 and I was to speak to him if it was employee or
6 work-related.

7 Q. I understand employee or work-related,
8 but did you ever ask Brian Edwards as to whether
9 or not you should go to the county attorney if
10 you had an equal employment opportunity
11 complaint?

12 A. No. He was my boss. I asked him who
13 was HR and who do I go to.

14 Q. When did you do that?

15 A. I did that on February 14th of 2020, I
16 believe.

17 Q. Prior to February 14th of 2020 --

18 A. Oh, wait. The first time I asked him
19 who HR was, was August 2017.

20 Q. Would you agree with me that there's a
21 significant difference between asking somebody
22 who HR is versus where a complaint based upon
23 discrimination should be filed?

24 A. He was my boss.

25 MR. KELLER: I'm just going to object to

1 form of the question.

2 (The last question was read back by the
3 court reporter.)

4 BY MR. THOMPSON:

5 Q. Go ahead, Ma'am.

6 A. Yes, I would agree with that.

7 Q. Let's go to the next exhibit, Park
8 County 1422. I believe this is four.

9 (Exhibit 4 was marked for
10 identification.)

11 BY MR. THOMPSON:

12 Q. Ma'am, deposition Exhibit 4 is in front
13 of you now. Have you seen this document before?

14 A. I am sure I have, yes.

15 Q. What is it?

16 A. Park County Policy Manual.

17 Q. With an effective date of July 1, 2017?

18 A. Yes.

19 Q. If you turn to the last page of that
20 document?

21 A. Okay.

22 Q. Could you read the first paragraph out
23 loud?

24 A. "I understand and agree that it is my
25 responsibility to read and comply with the

1 policies in the handbook and become familiar
2 with this information, as doing so will acquaint
3 me with the County's personnel practices, rules,
4 employee benefits and basic organizational
5 philosophy."

6 Q. Is that your signature at the bottom of
7 that acknowledgement?

8 A. It is.

9 Q. What is the date of that
10 acknowledgement?

11 A. 7/11/17.

12 Q. Did you, in fact, acquaint yourself with
13 the policies that were contained in the
14 handbook?

15 A. Yes.

16 Q. There were other handbooks including one
17 that was provided to you in 2023, correct?

18 A. Yes, and addendums as well.

19 Q. And you, when you -- with those
20 addendums are -- new policies were provided to
21 you, you signed an employee acknowledgement
22 form?

23 A. Most of the time, we just get the
24 signature page, and if we want a copy of the
25 policy manual, we can have it. But this year I

1 went in and asked for the 2023, or whatever the
2 last time we signed. I went in and asked Bobbie
3 Hinze for my copy and an extra copy, but
4 basically, we are given this signature sheet and
5 the books are sitting there if you want to take
6 them.

7 Q. Have you ever been denied a request to
8 see a personnel manual or personnel handbook?

9 A. No, sir.

10 Q. Let's go to the next exhibit, or county
11 930?

12 (Exhibit 5 was marked for
13 identification.)

14 BY MR. THOMPSON:

15 Q. Is that your signature on this exhibit?

16 A. Yes.

17 Q. I believe we are at Exhibit 5 or 6?

18 A. We are on five.

19 Q. We will go ahead mark this five. Again,
20 this required you to become familiar with the
21 contents of the policy manual, correct?

22 A. Correct.

23 Q. You did that?

24 A. I did that.

25 Q. Why do you believe it's important to

1 know what's in the policy and procedure manual?

2 A. Well, because it tells you what is
3 expected of you at work and what is expected of
4 your bosses and their bosses at work. It tells
5 you what to expect with your payroll, your sick
6 time, and how to decipher all of the stuff
7 between sick, vacation and comp time, days off,
8 and it gives you stuff about harassment and
9 sexual harassment and that's about it. Tells
10 you how to conduct yourself as an employee.

11 Q. It is a mutual understanding between the
12 employer and the employee as to these policies;
13 would you agree?

14 MR. KELLER: Object to form of the
15 question.

16 THE WITNESS: Yes.

17 BY MR. THOMPSON:

18 Q. When you applied for the Operator I
19 position, do you know if -- and I think you said
20 you don't know if there was any other
21 applicants; is that correct?

22 A. That is correct.

23 Q. You don't know if any female or male
24 applicants applied for that position, correct?

25 A. Correct.

1 MR. KELLER: Tom, is it all right if we
2 take another 5 or 10-minute break?

3 MR. THOMPSON: Sure. I have got quite a
4 bit left, probably ten typed pages. What do you
5 want to -- I can make arrangements now for
6 lunch. Do you want to break at noon and come
7 back at one?

8 MR. KELLER: Yeah, that sounds good. We
9 will only take about five minutes here real
10 quick, get up and stretch a little bit.

11 (A recess was taken from 11:12 a.m.
12 until 11:20 a.m.)

13 BY MR. THOMPSON:

14 Q. Ma'am, you understand you are still
15 under oath?

16 A. Yes, sir.

17 Q. Park County had represented that he only
18 had record of you working one spring or summer,
19 or spring and summer, as a flagger. Is it your
20 testimony that you worked two different years as
21 a flagger?

22 A. Yes, sir.

23 Q. When you worked in 2016, who was your
24 supervisor?

25 A. Ron Nieters.

1 Q. Which months in 2016 did you work for
2 Park County?

3 A. I believe April through September.

4 Q. Let me have you go to, I believe,
5 Defendant's Exhibit 6, which is bates 929.

6 (Exhibit 6 was marked for
7 identification.)

8 BY MR. THOMPSON:

9 Q. I am going to ask you to review all of
10 the pages of this deposition exhibit and just
11 let me know when you have looked through those.
12 You have a hard copy in front of you?

13 A. Yes, I do. Okay.

14 Q. Are you familiar with what has been
15 marked as deposition Exhibit 6?

16 A. Yes.

17 Q. What is deposition Exhibit 6?

18 A. This is the action form that they put
19 into my employee file that says the dates that I
20 was hired for, and then there is the hidden
21 paychecks that Colleen sends out.

22 Q. What do you mean, the "hidden
23 paychecks"? That refers to the monetary value
24 of benefits you're receiving?

25 A. The way I see it, it's the cost of

1 business to employ someone, and a lot of these
2 numbers on these hidden paychecks for my wages
3 do not match up to my W-2 statements.

4 Q. Explain that to me.

5 A. So every year --

6 Q. Let's start -- let me see if I can help
7 direct you to -- let's look at 929. It shows an
8 actual hourly wage of 21.59 an hour.

9 A. That is my actual hourly wage.

10 Q. It shows wages for that period of
11 July 1, 2017, through June 30, of 2018 at
12 30,276.80. Do you see that?

13 A. I see that.

14 Q. Is that the wages that you were paid
15 during that time period?

16 A. I don't know because I don't have my W-2
17 in front of me.

18 Q. Do you have -- you would agree that the
19 hourly wages, what you were receiving, correct?

20 A. No.

21 Q. You don't believe you were receiving
22 21.59 an hour?

23 A. No, sir.

24 Q. That is the hourly wage with benefits
25 included?

1 A. A lot of those benefits are part of my
2 hidden paycheck, which includes the social
3 security match that the company has to do, the
4 Medicare match, and the worker's compensation
5 that are not part of a benefits package. That's
6 the only benefits we get are health insurance,
7 life insurance up to a \$140,000, but generally
8 10,000 in this case, and Wyoming retirement.

9 Q. You would agree with me that on each one
10 of these documents in deposition Exhibit 6,
11 there's a separate line item entry for wages
12 that you are receiving, correct?

13 A. Correct.

14 Q. And that is a different number. It
15 is -- that number is less than the total value
16 of the compensation package.

17 A. Correct.

18 Q. The total value of the compensation
19 package includes your wages plus your benefits?

20 A. Yes.

21 Q. This also indicates what your position
22 is with Park County Road & Bridge, correct? And
23 it is in the top box?

24 A. Yes.

25 Q. And if you would turn to the document

1 for the time period July 1st of 2021 through
2 June 30th of 2022?

3 A. Okay.

4 Q. It indicates you're Equipment Operator
5 II; is that correct?

6 A. Yes.

7 Q. When were you moved from an Equipment
8 Operator I to an Equipment Operator II?

9 A. I don't know.

10 Q. You don't know?

11 A. No, sir, I don't.

12 Q. Let's go to the next deposition exhibit.

13 A. Exhibit 7?

14 Q. Yes. And it's approximately the fifth
15 page in that deposition exhibit.

16 (Exhibit 7 was marked for
17 identification.)

18 BY MR. THOMPSON:

19 Q. I believe one more up, sorry. I had you
20 going the wrong way.

21 Off the record.

22 (There was a brief discussion off the
23 record.)

24 BY MR. THOMPSON:

25 Q. Go to bates number 918.

1 A. Okay.

2 Q. Go to 919. Do you see the document that
3 is part of this deposition exhibit titled --
4 there is multiple documents titled "Park County
5 Personnel Form"?

6 A. Yes.

7 Q. What is your understanding of what this
8 document is?

9 A. This is where I am put in for a raise,
10 and it's either approved or not.

11 Q. Okay. And does it also reference the
12 position that you hold with Park County?

13 A. Yes, at the top.

14 Q. Does it include information on pay rate
15 and grade and step?

16 A. Yes.

17 Q. And does this form -- is this form, to
18 the best of your knowledge, filled out whenever
19 there is a change on your pay rate, grade or
20 step?

21 A. I believe so. I don't know.

22 Q. You don't have any idea when you were
23 moved to an Equipment Operator II?

24 A. No, sir. I do not.

25 Q. Why not?

1 A. I believe it was in 2022, but I am not
2 sure when.

3 Q. Do you see on this document that
4 references Equipment Operator II where your new
5 pay rate was 17.40 an hour?

6 MR. KELLER: Which document are you
7 looking at, Tom?

8 MR. THOMPSON: Should be the first
9 Equipment Operator II reference.

10 THE WITNESS: 15.32 an hour, isn't it?

11 MR. THOMPSON: Let's go off the record
12 for a minute.

13 (There was a brief discussion off the
14 record.)

15 BY MR. THOMPSON:

16 Q. Ma'am, do you see what is being
17 displayed on the screen as Park County 914?

18 A. Yes, sir.

19 Q. We will make that part of deposition
20 Exhibit 6. This shows your position as an
21 Equipment Operator II, and the actual date is a
22 little bit obscured, but it's 2021; would you
23 agree?

24 A. I don't see the date.

25 Q. It's below changes for existing

1 employees, right above the reason.

2 A. I guess it says 2021.

3 Q. In 2021, your hourly rate of pay went
4 from 16.04 an hour to 17.40 an hour as an
5 Equipment Operator II; is that correct?

6 A. I don't know. I guess so.

7 Q. Do you have any reason to dispute this
8 document as contained in your personnel file?

9 A. Well, I can't really see the date, and
10 right at the bottom, if you will notice, it says
11 this change will not go into effect until signed
12 by both parties. It hasn't been signed and it
13 doesn't have a clear date. I'd have to look on
14 my paycheck.

15 Q. Well, the year is clear, isn't it?

16 A. Yes.

17 Q. And is it your testimony that if one of
18 these forms was filled out and both parties
19 didn't sign, that you didn't get the increase in
20 wages set forth in these forms?

21 A. I don't know what their policy is on
22 this. I have no idea, in fact.

23 Q. Did you receive grade changes or COLA
24 increases that you didn't get those COLA
25 increases or grade changes?

1 A. I did get COLA increases and grade
2 changes. I don't know when. I am not fully
3 familiar with this form. I can only go with
4 what it says on the form and on my paycheck.

5 Q. Well, let me have you look through
6 deposition Exhibit 6.

7 A. Okay.

8 Q. With the different personnel forms and
9 just look through all of them. Tell me whether
10 you believe there are ones in here that you
11 didn't receive.

12 A. I think you're talking about Exhibit 7.

13 MR. KELLER: Hold on. I am going to
14 object to the question, Tom, just due to the
15 form of the question. She's confused.

16 MR. THOMPSON: Yeah. Let me -- part of
17 that is probably my fault.

18 BY MR. THOMPSON:

19 Q. Ma'am, let's look at Park County
20 personnel forms that have been provided. It
21 begins on, I believe, bates number 9222.

22 A. 922?

23 Q. That's not correct, 920?

24 A. 922, 921, all the way down to 917.

25 Q. Yeah.

1 Are any of those increases in your rate
2 of pay, do you believe?

3 A. What date was on that other one?

4 Q. The year was 2021.

5 A. Okay.

6 Q. Do you believe there are any of those
7 that you have not received that are documented
8 by these personnel action forms as contained in
9 your personnel file?

10 A. Okay. Can I just ask a question really
11 quick?

12 Q. Yeah, as a point of clarification?

13 A. Yes. So on Exhibit 7, page 917 or
14 Document 917, that was also 2021, correct?

15 Q. What it indicates as far as effective
16 date.

17 A. 4-11-2021, right. Okay, so the other
18 one is also effective in 2021?

19 Q. That's what it indicated.

20 A. They don't generally bump you up twice
21 in one year, so that is my question on this, is
22 if somebody put in the wrong date or something,
23 because, I guess, it makes no sense to me. They
24 usually only bump you up one time.

25 Q. Ma'am, let me try to come at it this

1 way: The documentation that I have shows your
2 initial rate of pay, which we already discussed,
3 and that was your rate of pay back when you were
4 hired in 2016, correct, at 13.71 an hour?

5 A. Yes, as operator, yes.

6 Q. Are you currently making 21.51 an hour?

7 A. I believe so, yes.

8 Q. You have gone from a Grade 11, Step 1 to
9 a Grade 15, Step 8?

10 A. I am unsure about that.

11 Q. Would we have to refer to the
12 documentation in your personnel file?

13 A. Yes.

14 Q. Have you reviewed your personnel file?

15 A. I only -- I have gone over some of it.
16 Some of it, I don't understand, so. And some of
17 it that was sent as my personnel file does not
18 belong in my personnel file.

19 Q. What's that?

20 A. There's some pictures and some other
21 papers.

22 Q. What are the pictures of?

23 A. One is of a filter, excuse me. And just
24 the filter is all I can think of right at this
25 point, and then another is just some paperwork

1 that I believe was in my personnel file.

2 Q. What is the picture of the filter, is it
3 a filter for a piece of equipment?

4 A. Yes.

5 Q. Did you have issues with a filter on a
6 piece of equipment?

7 A. No, I did not.

8 Q. Do you know what piece of equipment that
9 filter photograph is for?

10 A. Yes.

11 Q. What piece of equipment?

12 A. PT 38.

13 Q. What is that?

14 A. It's a dump truck, and it has the PTO
15 pump has gone out on it three different times
16 with three separate drivers not including me.

17 Q. What is the paperwork you're referring
18 to?

19 A. I don't know. It is just miscellaneous
20 random papers that don't mean anything. Some
21 are, I don't know if they're parts numbers or
22 just company logos.

23 Q. Ma'am, would you agree with me, there's
24 approximately 50 people within the Road & Bridge
25 and 50 employees within Road & Bridge and

1 Landfill?

2 A. I don't know how many are in Landfill.

3 We are Park County Road & Bridge.

4 Q. Do you know how many are within Park
5 County Road & Bridge?

6 A. Well, in the Cody district, there are 12
7 people. In the Powell district, there are eight
8 people. And then I don't -- there's probably
9 five people in the public works office, but Road
10 & Bridge, there's 12 people in the Cody shop,
11 maybe 13, and in the Powell shop, there is seven
12 or eight.

13 Q. Are there any other female operators?

14 A. There used to be, but not anymore.

15 Q. So the answer is no?

16 A. Right.

17 Q. Do you know if there's any female
18 operators on the landfill side?

19 A. Not a clue, no.

20 Q. You don't know?

21 A. I don't know.

22 Q. Do you know who Brenda Mar (ph) is?

23 A. No, I don't.

24 Q. Did you ever talk to any elected
25 officials with Park County concerning your

1 complaints as set forth in your charges of
2 discrimination?

3 A. No.

4 Q. Would you a -- I think we have reviewed
5 the fact that you read the personnel manuals and
6 you signed or acknowledged that you -- it was
7 your responsibility to become familiar with
8 those manuals. Do you recall that testimony?

9 A. I do.

10 Q. Do you recall that in the personnel
11 manuals, there is reference to the compensation
12 plan for Park County?

13 A. Yes, I do.

14 Q. You would agree with me that as an
15 operator with Park County Road & Bridge, that
16 longevity or the years of service does not
17 equate to being promoted to different operator
18 levels?

19 MR. KELLER: I'm going to object to form
20 of the question.

21 THE WITNESS: Would you repeat the
22 question, please.

23 BY MR. THOMPSON:

24 Q. Sure.

25 (The last question was read back by the

1 court reporter.)

2 THE WITNESS: No, I disagree.

3 BY MR. THOMPSON:

4 Q. So is it your testimony that the longer
5 you work for Park County, all you would have to
6 do is work for Park County for a number of years
7 and you automatically get promoted to the next
8 level?

9 A. No.

10 Q. So how many years do I have to work for
11 Park County to get promoted to Operator II?

12 A. Generally, three to four years, but you
13 have to be given the opportunity.

14 Q. Isn't the year requirement minimum noted
15 as minimum number of years experience in the
16 operation and maintenance of equipment?

17 A. I don't understand.

18 Q. Where do you get the three to four years
19 of longevity before being promoted to the next
20 level?

21 A. On the Park County Operator II job
22 description.

23 Q. That states four years of experience in
24 operation in maintenance of medium and heavy
25 sized equipment as one of the criteria for the

1 minimum qualifications, correct?

2 A. I think so. I don't have that in front
3 of me, so.

4 Q. Lucky for you, I have got it, so we'll
5 bring it up. Looking at the next deposition
6 exhibit number, I believe it is seven. This has
7 Park County equipment --

8 A. Number 8.

9 Q. Eight? This has Equipment Operator II;
10 do you see that?

11 A. Yes.

12 Q. The number of years experience, those
13 are minimum qualifications; would you agree?

14 A. I would agree.

15 Q. So there is no guarantee that after four
16 years of experience in the operation and
17 maintenance of medium and heavy sized equipment
18 that you get promoted from Operator I to
19 Operator II, correct?

20 A. I am going to assume, yes.

21 Q. Well, is that what the document
22 indicates for minimum qualifications?

23 A. It says, "Four (4) years of experience
24 in operation and maintenance of medium and heavy
25 sized equipment, or an equivalent combination of

1 education and experience." That tells me it is
2 opportunity also, time and equipment.

3 Q. Do you have any education outside of
4 your employment with Park County Road and Bridge
5 on heavy equipment or medium sized equipment?

6 A. No, just servicing my trucks and
7 tractors.

8 Q. You mean your tractor?

9 A. Yeah, my tractor.

10 Q. We go to the next page, 1231. The
11 Operator II also has a section on Required
12 Knowledge, Skills and Abilities. Do you see
13 that?

14 A. Yes.

15 Q. Would you agree with me that different
16 operators had different skills in the operation
17 of heavy equipment?

18 A. Yes.

19 Q. And different skills equate to being
20 placed as an Operator I, II or III, correct?

21 A. Yes.

22 Q. If an individual has greater skills than
23 another individual, then that would be one of
24 the criteria that would result in the individual
25 with greater skills being paid more?

1 A. Yes.

2 Q. That is regardless of gender.

3 A. Yes.

4 Q. Somebody that's male shouldn't be paid
5 more than a female who has greater skills
6 operating heavy equipment; would you agree?

7 MR. KELLER: She seems confused, Tom.
8 Can you rephrase the question?

9 MR. THOMPSON: Can you just read it
10 back?

11 (The last question was read back by the
12 court reporter.)

13 BY MR. THOMPSON:

14 Q. The second part of that question is that
15 a female operator with greater skills than a
16 male operator, that female operator ought to be
17 paid more; would you agree?

18 A. Yes.

19 Q. And same thing with a male. A male
20 operator with greater skills should be paid more
21 than a female operator.

22 A. Correct.

23 Q. Just because an operator is female does
24 not mean that they have to be paid the same as
25 someone who has greater skills than them,

1 correct?

2 A. Correct.

3 Q. There is a difference between operating
4 a piece of equipment versus being skilled in the
5 operation of that equipment; would you agree?

6 A. Yes.

7 Q. Let's go ahead and stop there for lunch.

8 (A recess was taken from 11:56 a.m.
9 until 1:08 p.m.)

10 BY MR. THOMPSON:

11 Q. Ms. Cornett, you understand you are
12 still under oath?

13 A. Yes, sir.

14 Q. Before we left for lunch, I talked to
15 you about the idea that a more skilled operator
16 would justify a higher wage. Do you recall that
17 conversation?

18 A. Yes.

19 Q. In your complaint that you have filed,
20 the individuals that you have used as
21 comparators. In other words, those male
22 employees that you believe are getting paid
23 higher than you are Tim Morrison, who is
24 referred to in the complaint in paragraph 28 as
25 TM; is that correct?

1 A. Yes.

2 Q. And KM, who is referred to in the
3 complaint in paragraph 29 as Kenny Marchant,
4 correct?

5 A. Correct.

6 Q. Are those the two comparators that you
7 believe are getting paid more than you based
8 upon the fact that they're male?

9 A. No. Can you rephrase the question,
10 please.

11 Q. Are those the two comparators that you
12 believe are getting paid more than you, and
13 they're getting paid more because they're male?

14 A. It's not because they're male. It's
15 because they were put in that position because
16 of who they know and, no.

17 Q. Do you believe that there are -- well,
18 let's do this: In regards to Tim Morrison --
19 and your camera is blurry for whatever reason, I
20 am not sure why -- but in regards to Tim
21 Morrison, do you know what his skill level is?

22 A. No.

23 Q. Do you believe that he has had more
24 experience in operating heavy equipment than
25 you?

1 A. At this time, yes, he does now. Before,
2 I don't believe so.

3 Q. Would it surprise you that when he was
4 hired for Park County, he had between 20 and
5 30 years experience on heavy equipment?

6 A. Yes.

7 Q. Would that justify a higher pay for Tim
8 Morrison if that in fact is true?

9 A. Not necessarily but.

10 Q. Why would it not?

11 A. I guess it would depend on the skill he
12 shows at the job, but yes, it depends on the
13 skill he shows at the job he is doing.

14 Q. When Tim Morrison was hired, how many
15 years did you have working for Park County Road
16 & Bridge?

17 A. Probably four or five.

18 Q. If through the hiring process, Tim
19 Morrison indicated that he had that many years
20 of experience, you have no facts to tell me
21 about which would contradict his years of
22 experience as an operator?

23 A. I don't understand what you mean.

24 Q. Well, you can't sit here and tell me
25 factually -- you can't dispute what Tim Morrison

1 testifies to in regards to the years of
2 experience that he has, can you?

3 A. No.

4 Q. And in regards to Kenny Marchant, do you
5 know how many years experience he indicated that
6 he had when he applied for a position with Park
7 County Road & Bridge?

8 A. No.

9 Q. If he had 15 plus years experience
10 operating heavy equipment, would that justify
11 him being paid more than someone who has four
12 years operating equipment?

13 A. It depends.

14 Q. What does it depend on?

15 A. On the job he is doing in any particular
16 piece of equipment, his skills level.

17 Q. If you accept what he told Park County
18 when he was hired, and they understand --
19 understood that he had 15 years experience, you
20 would agree with me that that would have been
21 justification for hiring him in as an Equipment
22 Operator II?

23 MR. KELLER: I'm going to object to form
24 of the question.

25 BY MR. THOMPSON:

1 Q. Why do you disagree with me? I mean,
2 you're an Equipment Operator IV, or excuse me,
3 Equipment Operator II, and you have how many
4 years experience? Six?

5 A. Eight.

6 MR. KELLER: Objection, form of the
7 question.

8 BY MR. THOMPSON:

9 Q. Go ahead.

10 A. I have eight years experience.

11 Q. Well, tell me why someone applying with
12 15 years of experience, why it's not justified
13 to put them into an Operator II position?

14 A. Because it would -- it depends on the
15 skills they show in each piece of equipment.
16 When I was hired, I was told we cannot hire you
17 above the lowest paid.

18 Q. So you think -- is it your testimony
19 that someone -- an applicant with 15 years of
20 experience has to start off as an Operator I?

21 A. I think their skills need to be proven.

22 Q. Well, you had no skills.

23 A. Indeed, and I had to prove my skills.

24 Q. And so is it your testimony that you
25 believe it is improper for someone with 15 years

1 of experience to get hired into a Operator II
2 position?

3 MR. KELLER: Objection, asked and
4 answered.

5 MR. THOMPSON: I don't think it has been
6 answered.

7 MR. KELLER: Well, I do.

8 THE WITNESS: Ask me again, please.

9 BY MR. THOMPSON:

10 Q. Is it improper for somebody with
11 15 years of experience in the operation of heavy
12 equipment to be hired into an Operator II
13 position? That is all the facts I am giving
14 you.

15 A. I think it depends on the equipment they
16 have experience with.

17 Q. That is your -- that's going to be your
18 answer to a jury in October of this year?

19 A. I don't know, sir.

20 Q. Well, it's my one chance to talk to you,
21 so if that's your answer, I will live with it.
22 But if you're going to change your answer, I
23 need to know.

24 MR. KELLER: Argumentative.

25 THE WITNESS: I don't know.

1 BY MR. THOMPSON:

2 Q. Are you -- again, you're under oath. I
3 have asked you a question. You indicated to me,
4 at least you haven't asked me to ask it a
5 different way, so you understand the question as
6 per our agreement this morning, and you have
7 answered that question, correct?

8 A. As I said, I believe if someone is hired
9 as an Operator II or Operator III level, they
10 have to have experience with most of the
11 equipment on the Operator II and Operator III
12 job description.

13 Q. Have you ever seen the county give a
14 test to individuals hired in as Operator II or
15 Operator III?

16 A. No.

17 Q. If an individual represented to the
18 county in the hiring process that they had
19 15 years experience, would there be something
20 wrong with the county assuming that what they
21 told them is true?

22 A. No. I don't believe so.

23 Q. You weren't tested on each piece of
24 equipment when you were promoted to Operator II,
25 were you?

1 A. I was trained in different types of
2 equipment, and my foreman put me in for Operator
3 II. The foreman of the Cody shop was the first
4 one that I am aware of, so the foreman decides.

5 Q. You weren't tested when you were placed
6 into the position of Operator II, were you?

7 A. I was tested in my ability to run the
8 equipment my foreman asked me to run.

9 Q. So you underwent a formal testing
10 procedure?

11 A. I was trained in the pieces of
12 equipment. My boss decided.

13 Q. Your foreman watched you perform and
14 made a decision as to your skill level, correct?

15 A. Correct.

16 Q. Is that the job that Paco has in regards
17 to operators in the Powell shop?

18 A. Yes.

19 Q. So it is his judgment as to whether
20 somebody can be an Operator II or an Operator
21 III?

22 A. Yes.

23 Q. I talked to you about your pay as an
24 employee of Park County Road & Bridge. Would
25 you agree with me that there were approximately

1 three to four years where no pay raises were
2 given to any employees?

3 A. Yes.

4 Q. So of your eight years of employment,
5 there were approximately three to four years of
6 those eight years where nobody received a raise.

7 A. I don't know for sure.

8 Q. Well, you just testified that you would
9 agree that nobody received a raise in three or
10 four years.

11 A. Okay.

12 Q. That would have been while you were
13 employed, correct?

14 A. Yes.

15 Q. So there would have been three or
16 four years of your employment where not only
17 you, but nobody else in Park County received a
18 raise.

19 A. All I know -- all I can say is about me.
20 I know that, yes.

21 Q. Well, I am asking you what your personal
22 knowledge is in regards to other employees in
23 Park County. Do you have any knowledge?

24 A. I have some knowledge, but not intimate
25 knowledge, no.

1 Q. So is that statement wrong that there is
2 three or four years since you had been employed
3 where nobody received a raise?

4 A. It could be wrong. All I can tell is
5 what I have made or not made.

6 Q. So we'd have to rely upon the
7 documentation from Park County.

8 A. Yes.

9 Q. And Brian Edwards' testimony, correct?

10 A. Yes, and the newspaper listing.

11 Q. And if that information shows no raises
12 in that three to four years, you're not going to
13 show up at trial and testify differently.

14 A. No.

15 Q. Have you received all cost of living
16 adjustments that have been given by Park County
17 since your initial date of employment?

18 A. Yes.

19 Q. Would you agree with me that when
20 certain COLA adjustments are paid, or increases
21 are paid, it can actually change steps for an
22 individual's pay grade?

23 A. I don't know.

24 Q. We'd have to rely upon our county and
25 Brian Edwards, correct?

1 A. Correct.

2 Q. Do you have an understanding as to
3 whether or not anyone in Park County received a
4 merit increase in 2020?

5 A. I am not sure. I don't know.

6 Q. Are you aware of any male operators that
7 are getting paid less than you?

8 A. Yes.

9 Q. Who are those?

10 A. Greg Torczon is the only one that I am
11 aware of at this time.

12 Q. Are you aware of any operators in the
13 Cody shop that are getting paid less than you?

14 A. That's the one I mentioned, Greg
15 Torczon.

16 Q. Any others?

17 A. I don't know.

18 Q. Are you aware of any operators, Operator
19 IIIs that are getting paid the same amount as
20 you?

21 A. No.

22 Q. Can that happen? Can an Operator III
23 actually receive equal or lower pay than an
24 Operator II?

25 A. I don't know.

1 Q. Are there any other comparators that --
2 those are the only two that are listed in your
3 complaint, Tim Morrison and Kenny Marchant. Are
4 there any other comparators that you are going
5 to present to the court that are getting paid
6 differently because they're male?

7 MR. KELLER: Objection, speculation.

8 BY MR. THOMPSON:

9 Q. Personal knowledge, whatever you know.

10 A. Not at this time.

11 Q. Did you look at what male and female
12 employees of Park County are getting paid in any
13 other department other than Road & Bridge?

14 A. No.

15 Q. Paragraph 16 of your complaint alleges
16 that the Public Works Department in Cody,
17 Wyoming trained you to drive, and it lists
18 various pieces of equipment. Is there any
19 record within Park County that I can refer to
20 that indicates the number of hours that you have
21 had on each piece of equipment?

22 A. That would be in the office. You would
23 have to get that from probably Brian Edwards.
24 He can get it from Trapper Marsh. I think that
25 our computer programs should mark how many hours

1 you spend in equipment.

2 Q. So if you go to work tomorrow and you
3 spend two hours in a dump truck and three hours
4 on a road grader, how do you note that for
5 purposes of recordkeeping?

6 A. We have tablets now. We used to do it
7 by paper, but we have tablets where we put down
8 the date, who we are, where we were, what
9 location we were at, what the job code is, how
10 many hours we were at that job, what we were
11 doing, whether we were hauling material, pushing
12 out equipment, loading material, hauling
13 equipment, snowplowing, et cetera, et cetera,
14 and then we have the equipment used and how many
15 hours in each piece of equipment, and then we
16 also have if we were hauling material or
17 whatever we have another box for the inventory
18 used. That is our newer system.

19 Q. I am going to have you just verify for
20 me, I believe it is deposition Exhibit 8, the
21 job descriptions for Equipment Operator I, II,
22 and III. Those were kind of the job
23 descriptions that you've -- the job descriptions
24 for Equipment Operator I, II, and III since you
25 have been employed with Park County.

1 A. Operator I, yes, all of the above.
2 Everything but the chip spreader on Operator II.

3 Q. What do you mean, "everything but the
4 chip spreader"?

5 A. I have run every piece of equipment on
6 Operator II except for the chip spreader.

7 Q. I am just asking you, Ma'am, whether or
8 not these are the job descriptions for Equipment
9 Operator I, II, and III?

10 A. Yes.

11 Q. They have been the job descriptions
12 since your initial date of hire, correct?

13 A. I believe so.

14 Q. Do you see at the top where it says
15 "effective date"?

16 A. Yes.

17 Q. Have you -- are you aware of any other
18 job descriptions that you have reviewed for
19 Equipment Operator I, II, or III?

20 A. This is the first time I have gotten to
21 see these descriptions. I have asked my
22 foreman, my current foreman for the description
23 of Operator II, and I haven't received that.
24 This is the first I have seen all three of these
25 besides the one they have put in the newspaper.

1 Q. When you say you "have been asking for
2 these," when is the first time you asked for
3 these?

4 A. First time I asked for this was June of
5 2018, when I transferred over to the Powell shop
6 and Dale Hobby said he was retiring.

7 Q. Okay. And who did you ask?

8 A. Delray Jones.

9 Q. Was that the only time in 2018 that you
10 have asked him for these?

11 A. No, he said he would keep looking for
12 it. Then I spoke with Ron Nieters in the Cody
13 shop, and he wasn't sure that he could get that
14 for me, and then I -- finally, Ron Nieters gave
15 me the Operator II description in 2020.

16 Q. So Paco did not deny you access to the
17 job description. He just said he would see if
18 he could find it.

19 A. Paco brought me a piece of paper that
20 was cut out of a long piece of paper. It had
21 two sentences on it. That's all he ever brought
22 me.

23 Q. So again, the question is, Paco didn't
24 deny you these job descriptions. He just said
25 he would see if he could find them.

1 A. He said he would get back with me, yes.

2 Q. Thank you. You made a comment earlier
3 that this is not about males being paid more
4 than females, this is about the good old boy
5 network; do you recall that?

6 A. Yes.

7 Q. So your complaint isn't that males are
8 being paid more than females, your complaint is
9 that people are being put in positions
10 regardless of male or female because of the good
11 old boy network.

12 A. Can you repeat that please, that was
13 super long.

14 Q. I don't think it was, but I will do
15 whatever I can do to make sure you understand.

16 (Question read by the court reporter.)

17 THE WITNESS: No.

18 BY MR. THOMPSON:

19 Q. Isn't that what you testified to
20 earlier?

21 A. No.

22 Q. Okay. What did you mean when you said,
23 "This is not about being male or female. This
24 is about the good ole boy network"?

25 A. We were discussing them hiring Operators

1 II or III just by them saying, I have 15 years.
2 I have 20 years. And what I mean is they didn't
3 check the skills. The skills have to be
4 checked. I don't know how to state it. My
5 skills have to be checked before I get put in
6 for a raise. I don't know if they did a job
7 check with their previous employers to find out
8 if, yeah, they really did, or if they saw the
9 quality of work these people did with whatever
10 equipment. Some of these guys have been hired
11 because they're friends of guys in the office.
12 That's what I mean.

13 Q. Is that part of your lawsuit?

14 A. I don't know. Can I take a break?

15 Q. There is a question pending. Have you
16 answered that question?

17 MR. KELLER: I believe she did. She
18 said, I don't know.

19 BY MR. THOMPSON:

20 Q. Is that your answer, Ma'am?

21 A. Yes, I don't know.

22 MR. THOMPSON: We can go ahead and take
23 five minutes.

24 (A recess was taken from 1:38 p.m. until
25 1:47 p.m.)

1 BY MR. THOMPSON:

2 Q. Ma'am, you understand you are still
3 under oath?

4 A. Yes, sir.

5 Q. All right. Before we took a break, you
6 had provided some testimony about individuals
7 being hired in under the good ole boy system.
8 What do you mean by that?

9 A. Good ole boy system doesn't include
10 females, but what we're here for is I am not
11 getting the opportunity so I can move ahead.
12 Paco will not allow that, just like he wouldn't
13 allow it with Cindy. I deserve the same pay for
14 the same work.

15 Q. What I asked you -- what the question
16 was, and I appreciate the commentary, but the
17 question is, what is the good ole boy network?

18 A. It is something that doesn't include the
19 good ole girls.

20 Q. What do you mean by "being hired in
21 under the good ole boy network"?

22 A. Friends of people in the office.

23 Q. Who do you believe has been hired in
24 under the good ole boy network?

25 A. There are several people.

1 Q. Give me names.

2 A. Tim and Kenny.

3 Q. So is it your testimony -- I am sorry,
4 are you done, Tim and Kenny?

5 A. There may be more. I just don't know
6 right now.

7 Q. Is it your testimony that Tim Morrison
8 knew somebody in Park County -- Park County Road
9 & Bridge that he was hired in without going
10 through any formal hiring process?

11 A. No. He knew somebody in Park County. I
12 don't know what his hiring process was.

13 Q. Who did he know?

14 A. Trapper Marsh and Ben McDonald.

15 Q. Did Trapper Marsh and Ben McDonald have
16 anything to do with hiring?

17 A. I don't know.

18 Q. Well, what is the basis for your
19 statement under oath that he was hired in
20 because he knew those two individuals?

21 A. I don't know at this time.

22 Q. Kenny Marchant, who did he know that got
23 him a job at Park County without having to go
24 through an application process?

25 A. Neither of them did not have to go

1 through the application process. Both of them
2 were friends with or their families were friends
3 with people in the office.

4 Q. You talked about Tim Morrison, and let
5 me understand what you're saying. Your
6 testimony is neither of them had to fill out an
7 application?

8 A. No. They did have to fill out
9 applications. They were hired at a higher rate
10 because of their friendships in the office.

11 Q. They were hired at a higher rate because
12 of their friendships in the office versus their
13 skill level.

14 A. I believe, yes.

15 Q. What is the factual basis for that
16 testimony that you've provided under oath?

17 A. I have seen them operate equipment.

18 Q. Okay. Who in the office got them hired?
19 You talked about Tim Morrison. Who in the
20 office was a friend of Kenny Marchant that --
21 let me finish -- that got him hired by Park
22 County Road & Bridge?

23 A. Brian Edwards.

24 Q. And you know this how?

25 A. Because Brian Edwards told me that he

1 was great friends with Kenny's family. They
2 were family friends.

3 Q. Anything else?

4 A. No.

5 Q. A lot of people in Park County know each
6 other, correct?

7 A. Correct.

8 Q. You, in fact, if one was to look at your
9 application, or your initial hiring, one would
10 think you came in under the good ole boy
11 network, correct?

12 A. No.

13 Q. Well, Ron Nieters was a friend of yours.
14 He frequented the bar that you worked at,
15 correct?

16 A. No, he was an acquaintance of mine.

17 Q. Who frequented the bar that you worked
18 at?

19 A. No, sir. That was the first time I had
20 seen him in six years that I had worked there.

21 Q. So he was a high school friend?

22 A. I knew of him in high school because he
23 was a jock.

24 Q. You didn't have to fill out an
25 application, correct?

1 A. I did.

2 Q. You didn't have to be interviewed by
3 Park County?

4 A. Not for a flagger job.

5 Q. You don't know if there was anybody else
6 that was notified of that opportunity to apply
7 for an Operator I, correct?

8 A. Correct.

9 Q. You don't know if Ron Nieters just
10 simply said, Give me an application and I will
11 get you hired?

12 A. I went in to the office and filled out
13 an application.

14 Q. Okay. That is the formality of your
15 hiring, correct?

16 A. Correct.

17 Q. So you'd agree with me that Tim Morrison
18 and Kenny Marchant actually went through a more
19 rigorous hiring process when they applied for
20 their position with Park County.

21 A. I don't know.

22 Q. You don't know either way.

23 A. I don't know.

24 Q. You don't know either way, correct?

25 A. I don't know.

1 Q. You don't know what they did or didn't
2 do in regards to the hiring process.

3 A. Correct.

4 Q. You don't know what they were qualified
5 on, what they indicated in their application for
6 employment with Park County, correct?

7 A. Correct.

8 Q. Let's look at the next document,
9 deposition exhibit, I believe we are on 9, which
10 is the charge of discrimination.

11 (Exhibit 9 was marked for
12 identification.)

13 A. Okay.

14 Q. If you look under the discrimination
15 statement, there is a number of paragraphs
16 there. No. 2 states, "I was subject to
17 gender-based harassment and intimidation."

18 Can you tell me all facts which support
19 that statement?

20 A. When I worked at the Cody shop, my
21 coworker, James Flowers, at the time came up to
22 me and told me that -- I had asked him what time
23 we were supposed to come in to plow, and he told
24 me I wasn't going to be called in to plow
25 because Gator said, I won't call her in ever.

1 She shouldn't be in equipment and because she is
2 a female, or something to that effect. And I
3 walked in. I have been called a female. I have
4 been called a bitch and a cunt, and the token
5 female. I have been called the office bitch. I
6 have been told I shouldn't be in equipment
7 because I am a woman. I have been told -- ask
8 Cindy what it is to be a woman working a man's
9 job.

10 Q. I want to know specifics because in your
11 documentation that you submitted to the county
12 when you referenced that you have been called a
13 bitch and a cunt, you stated that you had not
14 been called that to your face; is that correct?

15 A. I walked in and they didn't know I was
16 standing in the break room, and there were four
17 guys sitting at the table. I was called the
18 token bitch, the token cunt -- or the token
19 bitch and I am just a cunt, so it wasn't to my
20 face, it was to other people, and then they
21 turned around and realized -- well, one of them
22 turned around and realized I was there.

23 Q. Did you -- have you represented
24 differently to anyone at Park County that you
25 did not hear that being said, but you were told

1 that had been said?

2 A. I -- no, I have been told that. I --
3 that has been said to me, or said about me from
4 different people, and I have walked in -- I
5 walked in on that one instance.

6 Q. Did you ever tell Brian Edwards about
7 that?

8 A. I don't recall. I believe I did in my
9 first discussion with him.

10 Q. Do you have any other specific dates as
11 to the what other -- being called the other
12 names, and who said it, and where they said it,
13 the specifics of each?

14 A. I don't know. It could be in my
15 documents. I don't remember.

16 Q. So if it is not in the documents that
17 you have, and you have not provided all those to
18 your attorney, correct?

19 A. I have provided most all of it, yeah,
20 but not like some of my journals.

21 Q. If it is not in the documents you have,
22 then you have no specific recollection as to who
23 said what, or when it was said, or what was
24 said?

25 A. I may have that in my journals. I don't

1 know.

2 Q. My question is, Ma'am, if it is not in
3 your journals, what is your testimony as to who
4 said it, when they said it, and what was said?

5 A. They would be part of my -- the people
6 who said -- who told me would be part of my
7 witness list. The people who witnessed it or
8 were around them or were told, I guess.

9 Q. Let's break this down. Let's start with
10 your personal knowledge of anyone using that
11 language in front of you. Did that ever occur?

12 A. Yes.

13 Q. When did it occur?

14 A. Shortly after I became full-time.

15 Q. When you were working at the Cody shop?

16 A. Yes, sir.

17 Q. What year was it?

18 A. 2016.

19 Q. You didn't start until November of 2016,
20 correct?

21 A. Right.

22 Q. Full-time? So it was after November 7th
23 of 2016?

24 A. Yes, it was December.

25 Q. Who said it?

1 A. James Flowers told me that Gator said.

2 Q. We're getting off track again. I am
3 asking you about --

4 A. When I heard it?

5 Q. -- statements that were made in front of
6 you.

7 A. I don't know the exact dates. I would
8 have to look in my calendars and at my
9 paperwork.

10 Q. Well, what was said to you? And who
11 said it? You would remember that, wouldn't you?

12 A. Gator. Tom Hiltz told me I didn't
13 belong in equipment, and he would jerk me out of
14 it. He called when I walked into the office and
15 they were sitting at the break table, he was --
16 said I was the token bitch and/or the token
17 female and just something about bitch. I don't
18 know, and he turned around and I just -- I
19 walked out. Weasel or Jim Cover was there,
20 Johnny Zierke, Tom Hiltz and I believe Lewis Ash
21 were there sitting at the break table when he
22 told me he was going to jerk me out of my truck.
23 That was just him and I. That's all I can
24 remember right now.

25 Q. In regards to him saying you didn't

1 belong in equipment, could that have been a
2 statement of your inability to operate that
3 equipment?

4 A. No, sir.

5 Q. How do you know?

6 A. Because I was doing the same job as
7 everyone else.

8 Q. In 2016, you were brand new without any
9 experience, correct?

10 A. I had been driving since September or
11 August of that year because I had gone and
12 gotten my CDL permit. I had been driving with
13 the county in the end dumps -- in the belly
14 dumps loading trucks, doing different things
15 before I got my CDL.

16 Q. Is it fair to say you don't know what he
17 meant?

18 A. No, it is not fair to say that.

19 Q. How do you -- how are you able to read
20 in his mind as to why he would yank you out of
21 the equipment?

22 A. Because of his treatment of me up to
23 that point.

24 Q. If this treatment occurred as you
25 alleged, why didn't you file or follow the

1 county's EEO policy and make a complaint to
2 someone?

3 A. Because Brian Edwards -- I went to him
4 first, as it was my -- one of my heads or one of
5 my supervisors, so I went to his supervisor and
6 I talked to Brian Edwards, and he never said,
7 oh, I think this is something Bryan -- you need
8 to take to Bryan Skoric. I thought my boss,
9 Brian Edwards, could fix it or look into it.

10 Q. When did you go to Brian Edwards and
11 complain about this language that Gator had
12 used?

13 A. I went on several different occasions in
14 2017 and 2018 and 2019 and 2020. Two of
15 those -- at least two of those times were about
16 Gator, maybe three of those times.

17 Q. And this is documented in your diary or
18 calendar?

19 A. Yes.

20 Q. And have you provided that to your
21 attorney?

22 A. Yes.

23 Q. If I were looking for that entry in the
24 diary or calendar, where would I look?

25 A. August of -- I don't know. I don't

1 know, you would have to look through. I don't
2 have the dates right in front of each time I
3 went through that.

4 Q. What is the entry on the diary or
5 calendar?

6 A. I don't have it right in front of me.

7 Q. Would you like to take a moment to look
8 at them?

9 A. Yes.

10 Q. At least the ones that you provided to
11 us?

12 A. Sure.

13 Q. Do you have those there with you?

14 MR. THOMPSON: Counsel, can we go off
15 the record for a minute?

16 MR. KELLER: Yes.

17 (There was a brief discussion off the
18 record.)

19 BY MR. THOMPSON:

20 Q. Ma'am, before we went off the record, I
21 asked you to review calendars that may include
22 or note you going to Brian Edwards as you
23 testified to earlier concerning comments made by
24 Gator, and in front of you should be now Park
25 County 1874 to Park County 1901. I'd ask you to

1 take a minute to review those diary entries and
2 calendar entries, and refer me to where you went
3 to Brian.

4 A. February 14th was one of them.

5 MR. THOMPSON:

6 Q. 2018?

7 A. 2020.

8 Q. Do you know what the bates number on
9 that is? Is that 1890?

10 A. Yes, April 26, 2019, that's bates number
11 1892.

12 Q. Is that the entry for April 26th?

13 A. Yes.

14 January 17, 2018.

15 Q. What is the bates number?

16 A. 1897. That's all I can see in these.

17 Q. In the entry of January 20th, Park
18 County 1899, that's an entry for Sunday,
19 correct?

20 A. No. You can see the arrow. No. See
21 the arrow next to it? It points to the 17th,
22 and it says "Brian knows," and "Ron is back."
23 If I didn't have enough room, I would draw an
24 arrow usually on these. So Saturday and Sunday
25 were just taken up by generally whatever day.

1 Since we don't work usually Fridays, Saturdays
2 and Sundays, my stuff would end up on Friday
3 Saturday or Sunday with an arrow going to the
4 date.

5 Q. Did you make any of these entries after
6 the fact; in other words, did you go back when
7 this lawsuit started and make any entries into
8 either these calendars or diaries?

9 A. No.

10 Q. Do you have the originals of all of
11 these documents?

12 A. I do. I think, yeah.

13 Q. Are there any calendars or diaries -- as
14 you look through this exhibit, are there any
15 calendars or diaries that have not been
16 produced?

17 A. There is my small 2022 little pocket
18 calendar, but -- and this -- I don't think the
19 2016 is in here, but -- and the 2023 is not in
20 there.

21 Q. Well, even the calendars that you have
22 provided, not all of the pages on the calendar
23 are copied; would you agree?

24 A. I would agree.

25 Q. That's not because those pages are

1 removed. It's simply because you have the
2 originals, but the other pages were not copied
3 and produced?

4 A. Correct.

5 Q. Did you ever talk to the shop foreman in
6 Cody in regards to the language that you believe
7 was being used?

8 A. Yes.

9 Q. Who was that shop foreman when you
10 started?

11 A. Ron Nieters.

12 Q. What did you talk to Mr. Nieters about?

13 A. About Gator, how he was talking, any of
14 the other derogatory comments from others, what
15 I had been told by Gator or by other people,
16 basically what was going on.

17 Q. Did you put any of that in writing when
18 you talked to Ron Nieters?

19 A. Just occasionally.

20 Q. Is there anything on your calendars that
21 indicate when you talked to Ron Nieters?

22 A. Yes.

23 Q. Where would I look at that and see that?

24 A. I don't know which pages for sure. I
25 would have to go through and tell you that.

1 Q. Well, I could look for it, but your
2 testimony is you documented your conversations
3 with Ron Nieters complaining of the language
4 being used.

5 A. Telling him, yeah, the language being
6 used and him asking me direct questions.

7 Q. How many times would you say that there
8 was inappropriate language used in the
9 workplace; less than six?

10 A. Probably 6 to 10.

11 Q. And it is your testimony that you have
12 complained to the shop foreman or to Brian
13 Edwards about each one of those instances?

14 A. Not about each one.

15 Q. How many did you complain about?

16 A. Just a few that were the worst.

17 Q. Less than three?

18 A. No, probably about five.

19 Q. Have you ever used inappropriate
20 language in the workplace?

21 A. Yes.

22 Q. What language have you used --
23 inappropriate language in the workplace?

24 A. Fuck and shit.

25 Q. Fuck off?

1 A. Yes.

2 Q. You told Tim Morrison to fuck off here
3 recently, didn't you?

4 A. No, I didn't.

5 Q. Not in February of this year?

6 A. Not that I'm aware of.

7 Q. Was there an incident where he talked to
8 you about pulling out in front of him on his way
9 to work?

10 A. Yes.

11 Q. Did that occur in February of this year?

12 A. I don't think it was this year.

13 Q. Did you tell him to fuck off?

14 A. Yes.

15 Q. In regards to "the harassment complained
16 of affected a term, condition or privilege of
17 employment and was so pervasive as to alter the
18 working conditions of employment." That, again,
19 is limited to what you have already told me
20 about, correct?

21 A. I don't understand.

22 Q. The harassment that you're referring to
23 in paragraph 3 of the charge of discrimination
24 is limited to those comments that you talked to
25 me about, correct? The inappropriate language

1 that you either heard about or witnessed?

2 A. Not just that, but yes.

3 Q. What else?

4 A. The comments of -- well, "at least she
5 got ten hours in today." "Usually she just
6 comes and snuggles with Ron." And, "Oh, aren't
7 you going to do anything today?" Or, "Are you
8 just going to stay here and remain the office
9 bitch"? Things like that. I just -- the
10 harassment was basically about me, not -- I
11 don't know, not working with them and they were
12 making it harder for me. A lot of them said,
13 No, I don't want to train her. I don't want to
14 train her. And then some of them said, yeah,
15 I'll train her, and then -- I don't know, but
16 they -- there were a lot of things said that.

17 Q. Well, that's what I am here to find out.
18 Two comments about staying there and snuggling
19 with Ron. Who made that comment?

20 A. There was a whole batch of guys there.
21 I believe it was Chip Ash and Tom Hiltz was
22 there, Travis Ball was there, John Klein, Paul
23 Luthy. I don't know. That is also in my
24 calendar somewhere.

25 Q. Chip Ash made the comment?

1 A. Yes.

2 Q. Who made the comment about being the
3 office bitch?

4 A. Oh, everybody. I had been called that
5 several times by several different people.

6 Q. Was that to your face?

7 A. Yes. Billy Sandoval, Jim Cover, John
8 Klein, sometimes it was in jest, other times it
9 was -- there was several people. That was the
10 running joke.

11 Q. All of those individuals worked at the
12 Cody shop, correct?

13 A. Yes, sir.

14 Q. Have there been any derogatory comments
15 made to your face at the Powell shop?

16 A. I have to look through my notes again.

17 Q. Without looking at your notes, can you
18 recall any derogatory comments made while
19 working at the Powell shop?

20 A. No. I can't right now, no.

21 Q. Why did you leave the Cody shop?

22 A. Because Ron was taking a lot of
23 vacations. When he went on vacation, instead of
24 putting me in the truck and the trucks or the
25 equipment, Gator would say, you're no longer

1 needed. He would make sure that I wasn't doing
2 what -- he was second in command in the Cody
3 shop. Tom Hiltz was. And Ron would come back
4 and say, did Gator put you in the truck? You
5 were supposed to water the chips in the morning,
6 go out in the truck in the afternoon. You were
7 supposed to do this today. Did he do that? And
8 I'd say, no, he had me water chips and he'd tell
9 me you're no longer needed. Go sit in the
10 office. That happened during our chip seal
11 season for quite some time. I felt like I
12 wanted to be working because I loved my job and
13 what I do, and I wasn't being allowed to work,
14 whether it is because the boss was gone a lot or
15 put the second in charge, in charge, or
16 whatever, I don't know. So I transferred over
17 there for that reason and my -- I had started
18 remodelling a house for my dad over in Powell so
19 I -- it was just a better way to do things.

20 Q. Were you living in Powell at the time
21 that you transferred to Powell?

22 A. Yes.

23 Q. Did you have personality conflicts with
24 any of the coworkers at the Cody shop?

25 A. Just Gator mostly.

1 Q. Nobody else?

2 A. Not really.

3 Q. Did you complain of anyone else to Ron
4 Nieters?

5 A. Probably John Klein, but that's really
6 it, I think.

7 Q. Paragraph 5 of your charge of
8 discrimination states that "I was qualified
9 applicant -- I was a qualified applicant for a
10 promotion." What are you referring to?

11 A. That was for the Operator II position
12 that opened up in Powell.

13 Q. When did that position open up in
14 Powell, the position you're referring to?

15 A. Right before I transferred, which would
16 have been, I want to say, June of 2018.

17 Q. So you had less than two years
18 experience when you transferred, correct?

19 A. Yes, I had about two years experience.

20 Q. Well, you were hired in November of
21 2016, right?

22 A. Yes, and while I was a flagger --

23 Q. Ma'am, let my -- your attorney will get
24 to ask questions.

25 A. Perfect.

1 Q. I am trying to nail down when you were
2 transferred and how much experience you had. If
3 you started in November of 2016, and the job
4 came up in June of 2018, by my calculations, you
5 had less than two years experience.

6 A. Okay.

7 Q. Correct?

8 A. Correct.

9 Q. Just over a year-and-a-half?

10 A. Yes.

11 Q. So you didn't meet the minimum
12 qualifications for Operator II, did you?

13 A. Yes, I did. No, I did not.

14 Q. Are there any other jobs that you have
15 applied for -- well, let me ask you this. Did
16 you apply for that Operator II position?

17 A. I had asked Delray, I had told him,
18 okay. First Dale Hobby, yes, I applied for that
19 position with Dale Hobby. Then I asked Delray
20 also, what it would take to move up to Operator
21 II.

22 Q. Foreman at Powell at the time you
23 transferred over?

24 A. Yes, sir.

25 Q. When you say you applied for that

1 position, did you make a written application for
2 that position?

3 A. No, I went and spoke with Dale Hobby.

4 Q. Are there any other positions that you
5 applied for that you believe that you did not
6 get promoted to in existing vacancy?

7 A. No.

8 Q. Who was hired for that position?

9 A. I believe no one was hired for that
10 position. I believe they had to put me on as
11 just a driver, and he kept me on anyway.

12 Q. So nobody?

13 A. Nobody was hired until Tim.

14 Q. When was Tim hired?

15 A. I don't know.

16 Q. So the position that you claim that you
17 did not get promoted to, nobody, in fact, was
18 hired for that position. It remained vacant.

19 A. Correct.

20 Q. Paragraph 7, where it says, "The
21 employer continued to seek further applicants,
22 or the position was filled with someone outside
23 my protected work group," that was the hiring of
24 Tim Morrison.

25 A. I believe it might have been. I'm not

1 sure. Labor department gentleman filled this
2 out, sir, I just marked certain boxes. He
3 filled it out.

4 Q. Do you see under the bottom of page 2,
5 the charge of discrimination signatures there?

6 A. Yep.

7 Q. It states, "I want this charge filed
8 with both the EEOC and the State or local
9 Agency." Do you see that?

10 A. Yes.

11 Q. Above your signature between that and
12 your signature, it says, "I declare under
13 penalty of perjury that the above is true and
14 correct."

15 A. Yes.

16 Q. And so I am fine --

17 A. I took -- it is hard for me to go back
18 to this date and remember what this is about.
19 He put it in there. I agreed over the phone.

20 Q. So these allegations are not your
21 allegations?

22 A. They are. He just reworded things, so I
23 don't know -- pardon me. I don't know who got
24 the job for number seven. It was more than
25 likely Tim.

1 Q. Let's go to next exhibit number.

2 MS. OATSVALL: Tom, did you want me to
3 screen share?

4 MR. THOMPSON: Yes, please, on the next
5 one. Really after this 9 or 10.

6 (Exhibit 10 was marked for
7 identification.)

8 BY MR. THOMPSON:

9 Q. Do you see what is being displayed on
10 the screen now, Ma'am, as exhibit Deposition
11 Exhibit 10?

12 A. Yes, sir.

13 Q. Do you recognize this document?

14 A. Yes.

15 Q. How do you recognize it?

16 A. It is -- I went on the FMLA plan when I
17 had to have a surgery.

18 Q. Okay. Is this letter what was provided
19 to you by the Park County clerk when you went on
20 the FMLA plan?

21 A. Yes, sir.

22 Q. Did you understand that this letter was
23 providing you notification of your right,
24 et cetera, FMLA?

25 A. Yes.

1 Q. Did the county grant you FMLA?

2 A. They did.

3 Q. Do you have any complaints in regards to
4 the FMLA that was granted to you by the county?

5 A. No.

6 Q. Did you take FMLA more than one time?

7 A. Yes, I did.

8 Q. Did you use sick time for your FMLA
9 leave -- excuse me, as part of your FMLA leave?

10 A. No. I used my sick and my vacation time
11 before I was allowed to use my FMLA time.

12 Q. Appreciate that. Did some other
13 employees of Park County Road & Bridge donate
14 sick time to you?

15 A. Yes, sir, they did.

16 Q. Ma'am, I am going to ask you now
17 about --

18 MR. THOMPSON: We can drop that
19 Exhibit 10, and MaryBeth, if you could pick up
20 and share Park County 4 through 7.

21 (Exhibit 10 was marked for
22 identification.)

23 BY MR. THOMPSON:

24 Q. Ma'am, have there been incidents that
25 you have been involved with while employed by

1 Park County that has resulted in the damage of
2 equipment?

3 A. Yes.

4 Q. How many incidents?

5 A. Maybe four.

6 Q. I count five, but we can talk about them
7 individually.

8 A. Perfect.

9 Q. This would be -- I am not going to mark
10 it as an exhibit, but it is Park County 4
11 through 7.

12 Was there an incident that occurred on
13 June 23, 2020, resulting in damage to a tire on
14 a John Deere motor tractor?

15 A. Yes, sir.

16 Q. Displayed on the screen is Park County
17 004. Have you had a chance to review that?

18 A. I have.

19 Q. Do you disagree with any of that?

20 A. Yes.

21 Q. What do you disagree with?

22 A. It wasn't 214 feet. I ran over a T
23 post. He didn't -- he came up and I was taking
24 pictures for my documentation, and -- but I
25 don't know when he said, How far did you drive

1 it? And I said, Not that far. And he said, It
2 looks pretty far to me.

3 Q. Did you measure the distance?

4 A. No, I did not.

5 Q. When you say, "he," who are you
6 referring to?

7 A. Delray. The one who wrote the letter.

8 Q. Do you know if Delray measured the
9 distance?

10 A. He measured the distance, I guess, he
11 thought it was.

12 Q. Do you have any testimony that would
13 dispute the cost of that rim?

14 A. No, sir. I think that is the cost of
15 the tire, isn't it?

16 Q. There is both tire and rim there, I
17 believe. They are C and B John Deere?

18 A. I see.

19 Q. Did you have a radio on in the cab of
20 the John Deere tractor?

21 A. Yes, I did.

22 Q. When I say "radio," I am talking about
23 AM or FM radio.

24 A. Oh, no, sir. There is one in there, but
25 I was not listening to the radio.

1 Q. Let's go to Park County 008 through 11
2 on the screen displayed is Park County 008,
3 color photo of a plow blade. Do you see that?

4 A. Yes, sir.

5 Q. Are you familiar with this photograph?

6 A. Yes, sir.

7 Q. How are you familiar with it?

8 A. It came up when my lawyer was showing me
9 the pictures, but I know what plow that is.

10 Q. What plow is that?

11 A. That was on DT 26.

12 Q. Was that a plow that you operated?

13 A. Yes, sir.

14 Q. Did this damage occur when you were
15 operating the plow?

16 A. Yes, sir.

17 Q. When did this occur; do you recall the
18 month and year?

19 A. I do not.

20 Q. How did the equipment get damaged?

21 A. I hit a manhole cover.

22 Q. What did you do after you hit the
23 manhole cover?

24 A. I brought the truck into the shop.

25 Q. Did you call Paco and tell him what

1 happened?

2 A. No, I didn't. I just brought it into
3 the shop.

4 Q. You mentioned in letters that you
5 submitted to the Park County engineer you've
6 referenced a chain of command. Do you recognize
7 that there is a chain of command within Park
8 County?

9 A. Yes, there is.

10 Q. Do you recognize that there is a chain
11 of command within Park County Road & Bridge?

12 A. Yes, there is.

13 Q. Is there a chain of command within Park
14 County Powell shop for Road & Bridge?

15 A. Yes.

16 Q. Is Paco your supervisor?

17 A. Yes.

18 Q. Do you believe it's appropriate to
19 notify Paco of any accidents that occur while
20 operating Park County equipment?

21 A. Yes, I do.

22 Q. Why didn't you call him and notify him
23 of this?

24 A. Because he would have said, Bring it
25 back in and let me see. I couldn't plow anymore

1 with that. I was more of a danger blocking the
2 road so I went in and showed it to him.

3 Q. As an employee of Park County, you
4 communicate with other employees both via cell
5 phone and via radio, correct?

6 A. Yes, occasionally, yes.

7 Q. But you will not take any calls from
8 Paco on your cell phone.

9 A. Not any longer, I will not.

10 Q. Is that permissible?

11 A. Except for when we are on call, yes, it
12 is.

13 Q. Will you take calls for other Park
14 County employees?

15 A. No, sir. Usually we don't talk on the
16 phone during the day.

17 Q. So your testimony is since this lawsuit
18 has been filed that you have not talked to other
19 Park County employees via cell phone?

20 A. On the job, not unless they have called
21 me and said, Are you at the shop? Can you grab
22 me this? Are you wherever?

23 Q. What is your cell phone number?

24 A. 307-250-5392.

25 Q. Who is your carrier?

1 A. Straight Talk Verizon.

2 Q. Let's display Park County 12.

3 Do you recognize these photos?

4 A. Yes, I do.

5 Q. What are these photos of?

6 A. That is a battery cover for my batteries
7 on my T18, the Peterbilt.

8 Q. Is that what a normal battery cover
9 looks like?

10 A. No, sir.

11 Q. Is this battery cover damaged?

12 A. Yes, it is.

13 Q. Who damaged this battery cover?

14 A. I ran over that battery cover.

15 Q. How did you run over it?

16 A. The alternator was dying in my truck --
17 in the truck. The truck was poked out into the
18 road. I ran to the driver's side of the truck.
19 I ran around from the passenger side, jumped in
20 the truck to move it out of the road in case it
21 was going to be dead for days. I had the
22 battery cover leaned up against the bottom of
23 the battery box, and I just backed up over it.

24 Q. So you took the battery cover off the
25 battery?

1 A. Yes.

2 Q. And you ran over the battery cover?

3 A. Yes, sir.

4 Q. Do you know the previous exhibit that
5 was up in regards to the blade on the snowplow;
6 do you know how much it cost to replace that
7 blade?

8 A. No, I don't.

9 Q. In regards to the battery cover, do you
10 know what the costs were to get a new battery
11 cover?

12 A. We didn't. We beat it out, and it's on
13 my truck now, but no, I don't.

14 Q. Let's go to Park County 13 through 17.
15 Do you recognize photographs of this tire?

16 A. Yes. All of it, yes.

17 Q. There was four tires involved in this
18 incident?

19 A. Yes.

20 Q. And all four of those tires were damaged
21 to the point that they needed to be replaced?

22 A. Yes, sir.

23 Q. Do you know what the cost was to replace
24 those tires?

25 A. No, sir.

1 Q. Those tires were on a truck that you
2 were driving, correct?

3 A. Correct.

4 Q. And you claimed that the brakes locked
5 up on the truck.

6 A. The back axle locked up on the truck.

7 Q. Were you aware of an inspection after
8 the incident by a mechanic?

9 A. Yes. I told the mechanic to look at it.

10 Q. Did the -- are you aware of the fact
11 that the mechanic didn't find any problems after
12 the incident?

13 A. Yes, I am.

14 Q. Then you were also -- so that is four
15 incidents. You also were involved in an
16 accident with a car?

17 A. Yeah.

18 Q. So that would be five, correct?

19 A. Yes.

20 Q. What happened in regards to the accident
21 with the car?

22 A. I had no brakes. My brakes were froze
23 up. My -- about 4 to 5 feet of my plow slid out
24 into the intersection. I couldn't get stopped,
25 and a gentleman was traveling from the other

1 road, and he couldn't get stopped. And so he
2 lined up with my driver's side tire and ran into
3 me.

4 Q. Was there a stop sign in the direction
5 you were traveling before the intersection?

6 A. Yes, sir.

7 Q. Did the other driver have the
8 right-of-way at that intersection?

9 A. Yes, sir.

10 Q. Is what is displayed before you the
11 incident report that you filled out for that
12 incident on January 28, 2023?

13 A. I believe so, yes.

14 MR. KELLER: Tom, can you scroll through
15 the whole thing. I just want to see --

16 THE WITNESS: Yeah, I can only see part
17 of it. Yes.

18 MR. THOMPSON: Can you go all the way
19 down to the bottom on that, MaryBeth?

20 BY MR. THOMPSON:

21 Q. So it is produced by you guys. 3003, I
22 believe it was. Do you take responsibility for
23 any of the incidents that we've discussed?

24 A. Yes.

25 Q. Which ones do you not take

1 responsibility for, if any?

2 A. The tire on the tractor. That can
3 happen to anyone with all the debris in the
4 right-of-way. This accident, I was driving
5 another truck originally, and my truck that I
6 had been driving, the windshield wiper motor
7 went out on it. And so Paco told me to switch
8 out with another driver. When that other driver
9 came in, he said, Good Luck, the brakes are all
10 froze on that truck. You won't have brakes.
11 And Paco said, Just go out and finish your
12 section, your area. So I drove the truck. It
13 was still my responsibility. I shouldn't have
14 been driving the truck. I should have said, No,
15 I will wait until I have a truck with brakes.
16 Backing over the battery cover was just -- I
17 needed to have the truck out of the road. That
18 was my responsibility. The tires? I don't know
19 what happened with the tires. For the back axle
20 only to lock up, there has to be more -- there
21 has to be a problem with either air canisters or
22 the valve. Otherwise, both axles on that
23 trailer should have locked up. Otherwise, that
24 truck shouldn't have been on the road because
25 the brakes aren't working properly.

1 Q. Is that it?

2 A. Yes. As far as the plow, the plow edge,
3 that also can happen to anyone. That's -- I
4 remember that morning that that plow edge was
5 getting down to whatever real thin, and I told
6 Paco, I think I need to change my edges, and he
7 said, I think you got another day or two in it,
8 drive it anyway.

9 Q. So you also had another incident fairly
10 recently in regards to the mower deck on the
11 mower, correct?

12 A. No.

13 Q. Okay. Did you damage the mower deck on
14 the mower?

15 A. No, I did not.

16 Q. Who damaged it?

17 A. It is not damaged. If you pull up the
18 pictures, I can explain it.

19 MR. THOMPSON: I believe those are in
20 our supplemental discovery, MaryBeth.

21 BY MR. THOMPSON:

22 Q. On the screen, the Park County 1901,
23 1902, or excuse me, 1902, 1903, photographs,
24 would you agree with me those are the mower
25 deck?

1 A. That is the mower deck.

2 Q. In the foreground of the mower deck,
3 there is a portion that appears to be metal,
4 worn off, and bent up in the air. Would you
5 agree?

6 A. Yes.

7 Q. Explain away.

8 A. That piece of metal that is sticking up
9 is a skid plate. That is a wear item. We put
10 those on the bottom of the deck. If you look in
11 close, you can see the bolts on where it is
12 bolted onto that L bracket at the bottom of the
13 mower deck. I don't know if you know what I am
14 talking about. See the bolt?

15 Q. I do see it.

16 A. Okay. That is usually a three-quarter
17 inch piece of metal. They use old cutting edges
18 off of their graders. Instead of buying from
19 the company, we use the old cutting edges. They
20 are three-quarters inch thick. They add bolts
21 to them. They bolt them onto the bottom, and
22 then they add shoes with a hard face. They weld
23 on shoes. You see the shoe at the left-hand
24 side of the picture?

25 Q. I do.

1 A. Usually both of those pieces, when
2 they're brand new, those are three-quarters inch
3 thick. Those are wear items, they wear out.
4 The reason they put those on there is to protect
5 that deck. What that piece of metal is that has
6 bent up is just part of that skid plate.

7 Q. This is worn off, correct?

8 A. No, it is not all the way worn off. The
9 edge of it is lifted.

10 Q. A good part of it from where it should
11 connect to the deck to where it starts to go up
12 in the air, that part is worn on this, correct?

13 A. The skid plate is worn. There is no
14 damage to the mower deck. If the skid plate was
15 gone and it was damaged, that bolt would be
16 sheared off, and that would be the metal that is
17 bent up from the mower deck.

18 Q. So is it your testimony that you are to
19 run the mower to the point where the skid plate
20 is worn away, and that that is the proper
21 operation of the mower?

22 A. No.

23 Q. If the skid plate is worn away, is that
24 something that you should alert your supervisor
25 about?

1 A. This very same day, my supervisor had
2 our shop mechanic weld shoes on that skid plate.
3 See how the shoe is about three-quarters inch
4 thick?

5 Q. Before or after the incident?

6 A. Before and after.

7 Q. Did you tell your supervisor about the
8 damage to the skid plate?

9 A. I brought it in and said, Look, I
10 screwed this one up. It is almost gone because
11 the shoes were missing. The shoes he had put on
12 earlier had just fallen off because I don't know
13 if the weld failed or what, but.

14 Q. Question was, did you notify your
15 supervisor?

16 A. Yes, he was there, yes.

17 Q. And you said, I screwed up?

18 A. Yes.

19 Q. Referring to --

20 A. I almost screwed this up. That is what
21 I said.

22 Q. All right. Can we pull up Park County
23 1831? Are these text messages that you pulled
24 off of your phone?

25 A. Yes, sir.

1 Q. Are there any text messages relating to
2 the subject matter of this litigation that have
3 not been provided to your attorney?

4 A. I don't know.

5 Q. Why did you provide -- did you just
6 provide select text messages to your attorney?

7 A. Only ones from Brian. Any that were
8 communications between Park County office and
9 me, I believe.

10 Q. So you have other text messages from
11 other co-employees?

12 A. Some, yes.

13 Q. Have you provided those to your
14 attorney?

15 A. No, sir.

16 Q. Why not?

17 A. Because they were not really important
18 texts. These were the things telling me what I
19 needed to do and when I needed to do them.

20 Q. Not important as determined by whom?

21 A. Me.

22 Q. Can you provide those texts that you had
23 determined not to be important from any other
24 employee from Park County to your attorney?

25 A. Sure.

1 Q. If you would go down to Park County
2 1842. What does this photograph depict?

3 A. That is Chris Carter showing Tim how to
4 lay out a road. Tim and Chris Carter and the
5 grader.

6 Q. Why did you -- did you take this
7 photograph?

8 A. No, sir, I did not.

9 Q. Do you know who took this photograph?

10 A. Chris Cooper.

11 Q. Okay. Was Mr. Cooper a friend of yours
12 in the Cody shop, in the Powell shop?

13 A. He was an acquaintance, coworker, yeah.

14 Q. Did you socialize with Mr. Cooper?

15 A. At the job.

16 Q. You never socialized with him in the
17 Powell community?

18 A. I think we went to have tea after he got
19 fired.

20 Q. Did you ever go out with Mr. Cooper and
21 have drinks?

22 A. We met Cindy Stewart after she retired
23 for a drink one night.

24 Q. Did you have drinks with Mr. Cooper on
25 any other occasions?

1 A. No, unless a retirement party maybe.

2 Q. Were you and Mr. Cooper ever
3 romantically involved?

4 A. No. He was married.

5 Q. Mr. Cooper got divorced, correct?

6 A. Yes, he did.

7 Q. Why did Mr. Cooper -- do you know why
8 did he take this photo and provide it to you?

9 A. I have no idea. He also provided --

10 Q. He also provided what?

11 A. He also provided this and a couple
12 others to my attorney.

13 Q. We have already established Mr. Cooper
14 was fired from his job at Park County Road &
15 Bridge, correct?

16 A. Yes.

17 Q. Mr. Cooper was going for the same job
18 that Paco applied for, shop foreman, correct?

19 A. Correct.

20 Q. And Paco got that job over Mr. Cooper?

21 A. Correct.

22 Q. Did Mr. Cooper ever encourage you to
23 record conversations of other employees at Park
24 County?

25 A. No.

1 Q. Do you have any email communication with
2 Mr. Cooper?

3 A. No.

4 Q. Do you have any text messages between
5 you and Mr. Cooper?

6 A. Maybe, yes.

7 Q. And you'll provide those to your
8 attorney?

9 A. If they are during when he still worked
10 for Park County, yes.

11 Q. Well, I'd like you to provide all of the
12 text messages to your attorney and then
13 Mr. Keller and I can sort out whether or not
14 they should be produced.

15 A. Okay.

16 Q. Did Mr. Cooper ever encourage you to
17 file a lawsuit against Park County?

18 A. No, he did not.

19 Q. Did he ever encourage you to file a
20 charge of discrimination against Paco Jones?

21 A. No.

22 Q. Did you ever talk about filing a lawsuit
23 with Mr. Cooper?

24 A. Yes.

25 Q. What was that discussion?

1 A. That I was filing and could he be a --
2 give a statement.

3 Q. So that conversation occurred before the
4 lawsuit was filed?

5 A. Yes. Well, after I had spoken to my
6 lawyer.

7 Q. Again, I don't want to know about any
8 conversations you have had with your lawyer.
9 Have you gone behind other employees of Park
10 County, specifically Tim Morrison or Kenny
11 Marchant, and checked the work that they
12 performed?

13 A. No.

14 Q. You never have?

15 A. Not unless we were plowing snow and we
16 went into somebody else's area and found
17 something was done or not done, but we all cover
18 each other's -- we all go through each other's
19 routes when we get done.

20 Q. I'm not talking about helping each other
21 out. I am talking about going and checking on
22 someone else's work as far as the quality of
23 that work?

24 A. No.

25 Q. You have no supervisory authority over

1 Kenny Marchant or Tim Morrison, correct?

2 A. Correct.

3 Q. In regards to any photographs that you
4 have taken of co-employees, what is the purpose
5 of taking photographs of other employees on the
6 job?

7 A. As I said before, any pictures I have of
8 other employees were just on a job site, if
9 we're doing our job and they happen to be in --
10 get in the shot, or if I had been asked by Brian
11 to get pictures of what we were doing, or
12 something that I thought was just cool, and I
13 took a picture.

14 Q. So your testimony is you have not taken
15 any pictures for purposes of supporting your
16 claims in this lawsuit?

17 A. No, just stuff on the job.

18 Q. Have you asked anybody else to take
19 pictures?

20 A. No, I have not.

21 Q. Have you recorded anyone without their
22 knowledge since this lawsuit was filed?

23 A. Yes, I think.

24 Q. Has that recording been produced?

25 A. Yes, it has.

1 Q. Who was it who are you recording?

2 A. Rowdi and I.

3 MR. THOMPSON: Counsel, I don't know if
4 I have that. I take that back.

5 BY MR. THOMPSON:

6 Q. That's prior to the interviews that were
7 conducted in this matter? You had that
8 conversation with Rowdi?

9 A. Oh, you're talking to me now?

10 Q. Yes?

11 A. Yes.

12 Q. Have you recorded anyone else?

13 A. No. Jack Hatfield.

14 Q. Other than Jack Hatfield?

15 A. No.

16 Q. Why did you stop making recordings?

17 A. Because I was told to stop.

18 Q. Bear with me as I work through this.

19 A. Can we take a break while you're working
20 through that?

21 Q. Yeah, take five minutes.

22 MR. KELLER: Just on a logistic note, I
23 know we're past 3:00. Wondering about time-wise
24 and time for cross-examination, so.

25 MR. THOMPSON: I got about another five

1 hours.

2 (A recess was taken from 3:17 p.m. until
3 3:23 p.m.)

4 BY MR. THOMPSON:

5 Q. We are back on the record. Do you
6 understand you are still under oath?

7 A. Yes, sir.

8 Q. Can we display 1874, which is back to
9 your diary and calendars? Can you see that this
10 is an entry from January 2nd of 2018?

11 A. Yes.

12 Q. It is referencing Gator falling all over
13 himself to take care of Paul Luthy. Is that
14 correct?

15 A. Yes.

16 Q. Then it goes on to say, "Amazing that he
17 received this orientation when no one else has."
18 Do you see that?

19 A. Yes.

20 Q. So I assume that that's no one else on
21 the crew, male or female, received that type of
22 orientation?

23 A. Correct.

24 Q. This wasn't just an act that you were
25 complaining of that was done against you as a

1 female. You're complaining that Gator didn't
2 provide this orientation to anyone?

3 A. Correct.

4 Q. Then 1875, this entry is from January 4,
5 2018, correct?

6 A. Yes.

7 Q. What is the complaint about not being
8 given Billy's truck to drive?

9 A. So as new people come into the shop --
10 at this time, two gentlemen were retiring.
11 Maybe three were retiring. I was told, Star,
12 you're getting Billy's truck because Billy was
13 retiring. Okay. That means you have something
14 to do. When I first started, there were no
15 extra end dumps or belly dumps for someone to
16 move into unless somebody showed up sick. So
17 basically, I was told you'll be given Billy's
18 truck to drive, and then Paul was given Billy's
19 truck. Paul was told, Well, you'll be driving
20 Billy's truck.

21 Q. Did you have another belly dump truck to
22 drive?

23 A. No. Whatever was available if somebody
24 wasn't there.

25 Q. So were you driving a truck at the time

1 on January 4th of 2018?

2 A. Yes. I mean, if other people were sick
3 or weren't there, I was driving truck or I was
4 servicing with Johnny or I was loading, but I
5 wasn't driving as much as the other people who
6 were all assigned trucks. I had no assigned
7 truck.

8 Q. What is crossed out on this entry?

9 A. I have no idea.

10 Q. Why did you cross it out?

11 A. I apparently didn't like what I wrote
12 down. I don't know.

13 Q. When did you cross it out?

14 A. On the day that I wrote it.

15 Q. You know that for a fact?

16 A. Generally, I don't go back very much
17 afterwards. The only time I have gone back is
18 throughout this case when I have been told to
19 basically go through my stuff and check it, and
20 so I keep myself familiar with it.

21 Q. Go to 1876. You see this entry?

22 A. Yes.

23 Q. Are you complaining about Gator getting
24 unimportant job to do?

25 A. Which --

1 Q. Gator giving you an unimportant job to
2 do?

3 A. Yes.

4 Q. What are the unimportant jobs?

5 A. Go to the store, get supplies like paper
6 plates and silverware, like drive around and
7 check roads, or I am sure that time it was go
8 check a road. Go do whatever. I don't know.
9 Busy work, basically. It's not out plowing.
10 Its not loading sand, it's not -- I have got
11 nothing for you to do, so wait here and help
12 Johnny, if you have to help Johnny, go to the
13 store if we need supplies, go do this, go check
14 a road.

15 Q. Is checking the roads checking the roads
16 for safety?

17 A. Checking the roads for snow, if there is
18 any driftings, if there is -- if it needs sand,
19 I guess, if it's.

20 Q. As insuring safe roads for the public?

21 A. I suppose so, yes.

22 Q. Is that unimportant?

23 A. No.

24 Q. How many times were you told to go to
25 the store and get plates and silverware?

1 A. Few times.

2 Q. How many times during the entire time
3 that you have been employed with Park County?

4 A. Several times. In Powell, Paco told me
5 that is my job, to go to the store and get water
6 and supplies.

7 Q. That is the entirety of your job?

8 A. No. He said that is your job now that
9 Cindy is gone. You got to make sure we have
10 water and supplies.

11 Q. We will talk to Paco tomorrow, so.

12 A. Perfect.

13 Q. On January 15th on this entry, what is
14 your complaint?

15 A. There is no complaint, just an entry of
16 my feelings for the day.

17 Q. Were you anticipating litigation when
18 you were making these journal entries?

19 A. Nope.

20 Q. Were you anticipating litigation when
21 you were calendaring?

22 A. No.

23 Q. When did you make a decision to file a
24 charge of discrimination with EEOC?

25 A. When I had talked to Brian on several

1 occasions and as of, I guess, some time in March
2 of 2020, still nothing had been done. Maybe it
3 was May of 2020, nothing had been done, and I
4 had been told that he could no longer talk to
5 me, and therefore I had no one to go to.

6 Q. In February of 2020, Brian was
7 communicating with you in regards to your
8 complaint, correct?

9 A. He was asking me for more information,
10 yes.

11 Q. So something was being done, wasn't it?

12 A. I guess, yes.

13 Q. So you filed the charge of
14 discrimination in the middle of the
15 investigation by Park County attorney's office?

16 A. I contacted Wyoming Workforce Services,
17 or the labor department, I believe in June
18 because Brian had sent me a text saying, Sorry,
19 they have just been really, really busy and they
20 haven't gotten to you. And I just said, This is
21 going nowhere.

22 Q. You filed your charge of discrimination
23 during the investigation of the Park County
24 attorney's office, correct?

25 A. I had sent the paperwork in through the

1 mail, I believe. I don't know, I sent the
2 paperwork in in June. The investigation had not
3 started. I received a -- on -- text at 5:02 the
4 night before Jack Hatfield started his, or was
5 going to do the interviews. I had no idea that
6 they were even doing anything.

7 Q. I appreciate the fact that you are
8 trying to be helpful and provide this additional
9 commentary, but it is really a simple question
10 that I am trying to get to. Your charge of
11 discrimination is dated June 2nd of 2020,
12 correct?

13 A. Correct.

14 Q. And on February 19th of 2020, Brian
15 Edwards sends you a letter asking for additional
16 information as a result of the complaint that
17 you made with them, correct?

18 A. Correct.

19 Q. On May 21, 2020, prior to filing your
20 charge of discrimination, you were interviewed
21 by Jack Hatfield?

22 A. Correct.

23 Q. In June of 2020, Jack Hatfield is not --
24 had not -- the county attorney's office had not
25 completed their investigation, correct? They

1 had not provided you a letter saying, We have
2 completed our investigation and here are our
3 findings?

4 A. Correct.

5 Q. So you filed your charge of
6 discrimination after making your complaint but
7 before the investigation was complete?

8 A. Correct.

9 Q. Let me go to 1878. This is an entry
10 from January 22nd and 23rd of 2018. Do you see
11 that?

12 A. Yes.

13 Q. You're complaining about no light
14 conversation and odd glances from people staying
15 away from you?

16 A. Yes.

17 Q. Is this after you had made recordings of
18 the employees?

19 A. No.

20 Q. Why did you -- I mean, did you try to
21 approach anybody and talk to them?

22 A. Yes. We all have had conversations
23 every morning at the pre-shift and then
24 generally walking out to our trucks.

25 Q. So what do you attribute this perception

1 you had that people were glancing at you oddly?

2 A. I don't know. I don't recall.

3 Q. Is that discriminatory conduct?

4 A. No.

5 Q. Go to 1879. It indicates that -- there
6 is no date on this. It says, "We got back from
7 the shop. We in the whole break room cleared
8 out except Ron and Gator. I am the plague now,
9 but at least I have jobs to do. Okie okay day."

10 A. Yeah, and the date will be on the page
11 before that.

12 Q. Who did you go to the store to get
13 supplies with?

14 A. I don't know. I'll have to check the
15 page before.

16 Q. It would have been a male employee,
17 correct?

18 A. Probably.

19 Q. There weren't any female employees.

20 A. Correct.

21 Q. Yourself. Why are you stating in this
22 entry that you're the plague now?

23 A. I don't know. I would have to read the
24 rest of it. From before.

25 Q. Is that the entry before?

1 A. I don't know. I would have to look at
2 my book.

3 Q. Last entry is, "park the truck until,"
4 and then the next page --

5 A. Tomorrow.

6 Q. -- "tomorrow, because tire shop won't
7 have them until then."

8 A. It was probably with Ron or with Mike
9 Thompson.

10 Q. Well, it says that Ron and Gator were
11 the two that didn't clear out.

12 A. Right. So it could have been Ron or
13 Mike Thompson.

14 Q. But you don't know what this entry is
15 about?

16 A. No.

17 Q. Let's have you turn to 1890. Like,
18 specifically go to the entry of February 12th.
19 This is 2020, correct?

20 A. Yes.

21 Q. You're talking about Paco having the
22 whole crew on the Heart Mountain side?

23 A. Yes.

24 Q. Is it your job to direct the crew where
25 to go?

1 A. No.

2 Q. Is that part of your job description to
3 make those decisions as to which areas should be
4 plowed first?

5 A. No.

6 Q. Was that Paco's job?

7 A. Yes.

8 Q. Let's go to 1893. Paco -- this is an
9 entry from December 9th -- I am not sure what
10 year.

11 A. Me either. Maybe 2020.

12 Q. The entry from the 11th, there was a
13 problem with one of the equipment -- pieces of
14 equipment you were operating?

15 A. Uh-huh. Yes.

16 Q. Yes. You have been doing good up until
17 now on that.

18 A. Sorry.

19 Q. Paco was upset with you?

20 A. Yes.

21 Q. Should he treat you differently as a
22 supervisor than male employees?

23 A. No.

24 Q. Does Paco get upset with male employees
25 in the shop when they break a piece of

1 equipment?

2 A. I don't know, not usually, no.

3 Q. You haven't seen any male employees
4 break any equipment?

5 A. Yes, I have.

6 Q. Is Paco upset because of that?

7 A. Not generally, no.

8 Q. Is he happy about it?

9 A. He just says, let's.

10 Q. You shrugged your shoulders?

11 A. Sorry, I am starting to do it.

12 Q. I am just trying to put on the record
13 what you did. And you shrugged your shoulders,
14 correct?

15 A. Yes.

16 Q. That is your testimony under oath as to
17 how Paco reacts when a male employee breaks a
18 piece of equipment?

19 A. No, he usually asks them what happened
20 and they get it done, get something taken care
21 of, I guess.

22 Q. Let's go to 1893, or excuse me, 1894.
23 Why were you documenting -- I assume Tim, in
24 this, refers to Tim Morrison?

25 A. Yes.

1 Q. Why were you documenting matters about
2 Tim?

3 A. I was documenting matters about
4 everyone.

5 Q. Okay. Why were you documenting matters
6 about everyone?

7 A. This is just about my day.

8 Q. Well, it doesn't say anything about your
9 day. It talks about Tim.

10 A. It throughout, it talks about what truck
11 I was in, where we were at.

12 Q. I am not talking about the other
13 entries, Ma'am, I am talking about 1894 that is
14 displayed on the screen for you to read.

15 A. Okay, because it says, DT26, Road 12.
16 That's my day, I'm cleaning up Road 12, 13 blah,
17 blah, blah. Road 12, T18, watching Tim.

18 Q. Thank you for that commentary. I am
19 talking about Wednesday the first of January and
20 Thursday the second of January. There is
21 nothing in those entries that talks about your
22 day, correct?

23 A. Yes, there is.

24 Q. Well, R 12.

25 A. The R 12 and the truck I was in.

1 Q. Other than that, there is nothing in
2 those entries that talks about your day, but it
3 does talk about Tim Morrison.

4 A. Yes.

5 Q. Why did you feel it is important not to
6 document your day but to discuss what Tim
7 Morrison was doing?

8 A. My day is already on there.

9 Q. Okay. That is your answer?

10 A. If we're sitting on the side of a road,
11 I am going to write why we are sitting on the
12 side of a road. And I write what road we are
13 on, what truck I am in.

14 Q. Is that what is entered on January 1st
15 and 2nd on this entry 1894, what sitting on the
16 side of the road?

17 A. It says where I'm at, what truck I'm in
18 and what I'm doing --

19 Q. Let me --

20 A. -- to Tim still struggling.

21 Q. Go ahead and read the rest of it.

22 A. I am watching Tim still struggling.

23 Q. It doesn't say you're watching, it says
24 Tim struggling.

25 A. Okay. Tim still struggling. Close coop

1 over. This is what I am watching. This is what
2 I am seeing. That is part of my day.

3 Q. Ma'am, since you're unwilling to read it
4 into the record, I will read it.

5 A. Okay, I can't see it all the way so.

6 Q. "Tim still struggling, pulls coop over
7 every round to ask for advice and help. Entire
8 crew talking about it. Tim is apologizing for
9 not being able to get this. He is very
10 stressed."

11 That discusses nothing about your day,
12 agreed?

13 A. No, I don't agree.

14 Q. Okay. All right. Well, we can talk to
15 the jury about that one.

16 Ma'am, I want to talk to you about the
17 recording that you made of Rowdi Briggs, and
18 there is other individuals participating in that
19 conversation, correct?

20 A. Yes.

21 Q. Did you think that recording people was
22 a violation of their privacy without telling
23 them they were being recorded?

24 A. No.

25 Q. You didn't?

1 A. No.

2 Q. So recording someone without their
3 knowledge is not a violation of their privacy.

4 A. If I am in a conversation with someone,
5 even if it is with five people, in the State of
6 Wyoming it is my understanding that it is okay
7 for me, for only one person in that conversation
8 to know that a recording is going on.

9 Q. So here is an example of you
10 misunderstanding my question. I didn't ask you
11 whether it was legal. I asked you whether it
12 was an invasion of their privacy?

13 A. No, it is not.

14 Q. That's your belief.

15 A. Yes.

16 Q. You made statements on that recording
17 about Paco and about your complaint of not being
18 able to work on Fridays, knowing that you were
19 being recorded -- you were recording yourself,
20 didn't you?

21 A. No, I have conversations where basically
22 I will know that.

23 Q. You didn't know you were recording
24 yourself?

25 A. I knew I was recording myself.

1 Q. Those were self-serving statements that
2 are issues in this lawsuit, correct?

3 A. No.

4 MR. KELLER: Objection, form of the
5 question.

6 BY MR. THOMPSON:

7 Q. When you made these recordings, did you
8 anticipate filing the charge of discrimination?

9 A. No.

10 Q. What is the date of the recording?

11 A. I don't recall. I believe it was the
12 day before we spoke with Mr. Hatfield or the day
13 of.

14 Q. So that was in May of 2020?

15 A. Yes.

16 Q. You filed the charge of discrimination
17 in June of 2020.

18 A. Yes.

19 Q. And it is your testimony that when you
20 made this recording in May of 2020, you had not
21 contacted the EEOC or workforce services?

22 A. Correct.

23 Q. You didn't anticipate filing a lawsuit?

24 A. No.

25 Q. Just going through my notes, so bear

1 with me. You told Jack Hatfield that you were
2 threatened with your job on four separate
3 occasions by Delray Paco; is that correct?

4 A. I am asking on four separate occasions?

5 Q. Yes.

6 A. I recall three, but I don't recall the
7 days.

8 Q. One was in the context of if you ran out
9 of FMLA leave, correct?

10 A. No. It was -- I was running out of FMLA
11 and I needed to be there 40 hours a week. My
12 job was on the line.

13 Q. That would have been consistent with the
14 letter that you received from the county clerk
15 as to your rights under the FMLA.

16 A. No. I mean, yes, yes.

17 Q. The other, quote, unquote, threat was
18 when Delray, when you alleged that Delray said,
19 if there are budget cuts, you would be the first
20 to go?

21 A. Correct.

22 Q. Has there -- do you know if there has
23 ever been a budget cut in the county since you
24 have been employed with them?

25 A. I have no idea. There was a newspaper

1 article that stated that that week in the paper,
2 and it was brought up twice to me that I was low
3 man on the totem pole.

4 Q. There was never a budget cut, correct?

5 A. I don't know. I don't think so.

6 Q. What's the other occasion that you
7 believe you were threatened with your job?

8 A. There were two occasions on the budget
9 cut, and the one where he told me my job was on
10 the line if I wasn't there 40 hours a week, even
11 though I was still on FMLA.

12 Q. And you were running out of FMLA leave.

13 A. No, when I was still on FMLA.

14 Q. Shortly after you transferred over to
15 the Powell shop, it is my understanding that you
16 received a \$1.25 an hour raise and a COLA raise;
17 is that correct?

18 A. I don't have that documentation in front
19 of me, but I am sure if that is what you show,
20 yes.

21 Q. You believe Rowdi Briggs has less
22 qualifications than you do as an operator?

23 A. No, sir.

24 Q. Did you tell Jack Hatfield that?

25 A. No, I told Jack Hatfield that I had

1 seniority, I had been there a year longer.

2 Q. You didn't tell him that there were
3 other males who had less qualifications,
4 specifically Rowdi Briggs?

5 A. I don't recall. I would have to listen
6 to the recording again.

7 Q. Does he have less qualifications than
8 you do as an operator?

9 A. Certainly not.

10 Q. Bear with me. I don't want to ask
11 questions I have already covered. Have you ever
12 been involved in any prior lawsuits?

13 A. Not that I'm aware of, huh-uh.

14 Q. You'd recall if you sued anyone,
15 correct?

16 A. Yeah, I haven't sued anybody.

17 Q. You'd recall if you were a party to a
18 lawsuit, being sued?

19 A. I believe so, yeah.

20 Q. Have you made any claims other than the
21 filing of the lawsuit, any claims of any nature?

22 A. No.

23 Q. Have you ever claimed that you were
24 discriminated against based upon your gender?

25 A. No.

1 Q. Have you ever filed a complaint for
2 discrimination?

3 A. No.

4 Q. You would agree with me that Chris
5 Cooper and Paco did not get along?

6 A. No.

7 Q. You would agree with that?

8 A. No, I would not.

9 Q. You think they got along?

10 A. They were best friends. Yes, sir.

11 Q. Up until the time that Paco got the job
12 over Cooper, correct?

13 A. No. Somewhere around there, yeah.

14 Q. At the time that Paco got the job, Chris
15 Cooper was extremely upset about that?

16 A. No.

17 Q. Were you aware that Chris Cooper told
18 Paco, you ruined my fucking life?

19 A. No.

20 Q. We're through this. Ma'am, are all
21 the -- is the only cause of action that you're
22 bringing in this matter in the complaint under
23 the equal pay act; do you know?

24 A. I don't know.

25 Q. I asked you as part of the discovery

1 conducted in this matter to provide all
2 principal facts that you rely upon to support
3 the allegation in paragraph 36 of your
4 complaint. Paragraph 36 of your complaint
5 states that Plaintiff Cornett had more seniority
6 time operating specialized equipment and
7 knowledge of the county road system than her
8 male counterparts hired at higher wages, higher
9 pay rates, than her during her employment at
10 Powell, Wyoming Division of Public Works, and
11 you refer to Kenny Marchant and Tim Morrison,
12 and we have already established those are the
13 only two comparators that you're referring to,
14 correct?

15 A. Correct.

16 Q. In preparation for your deposition
17 today, did you review your discovery responses
18 to the interrogatories?

19 A. Yes, sir.

20 Q. Is everything that you responded to
21 originally in those interrogatories true and
22 accurate?

23 A. Yes, if a bit wordy.

24 Q. You got to blame that on the attorneys,
25 right?

1 A. Yes. Sure.

2 MR. THOMPSON: MaryBeth, can you go to
3 the letter from Ms. Cornett dated March 30th of
4 2020? I think it is the next exhibit or an
5 exhibit after that. It's 2006 marked by
6 plaintiff.

7 BY MR. THOMPSON:

8 Q. Before we get to 2006, my records
9 concerning your employment with Parks -- the
10 records that I reviewed concerning your
11 employment with Park County shows that you have
12 had a pay rate increase of 57 percent since you
13 were initially employed; do you have any reason
14 to dispute that?

15 A. No, if that is what you have, I will go
16 with that.

17 Q. You have been provided approximately an
18 increase that equals an increase of
19 approximately 7.1 percent per year. Do you have
20 any reason to deny that?

21 A. That's what it equals out to per year,
22 but I am stating that it didn't happen like that
23 every year.

24 Q. Do you see what's marked 2006 in front
25 of you?

1 A. I do.

2 Q. Is this the document that you sent to
3 Brian Edwards?

4 A. Yes, it is.

5 Q. Is this the document that your daughter
6 helped you with?

7 A. Yes.

8 Q. What is the date of this?

9 A. March the third.

10 Q. We will mark this whatever the next
11 exhibit number is.

12 (Exhibit 11 was marked for
13 identification.)

14 Q. Go to the next page, 2007. At the
15 bottom of this, after your discussion concerning
16 Paco, you state, "Mr. Jones was very
17 disrespectful in my opinion. As I had dealt
18 with his disrespectful attitude and tone over
19 the course of the past several months and
20 especially the prior two-and-a-half weeks, I
21 decided then that I was no longer going to be
22 disrespected in private via phone or any random
23 other occurrence. I decided from then on,
24 Delray could use the county radio to contact me
25 and furthermore I would always make sure someone

1 else was with me or nearby when he spoke to me?"

2 Do you see that?

3 A. Yes.

4 Q. Do you get to make those decisions as to
5 how a supervisor communicates with you?

6 A. I do. My phone is my personal phone and
7 I pay for it.

8 Q. But other people take calls on their
9 personal phone?

10 A. Yes. He'll request that you call him.

11 Q. Look at 2008.

12 A. Okay.

13 Q. You're out -- middle of the page --
14 you're out plowing PMA four, the cell phone
15 rings. Delray was calling. You ignored the
16 call, correct?

17 A. Yes, correct.

18 Q. You didn't call him back on the radio?

19 A. No, I didn't because he came on the
20 radio immediately after that.

21 Q. Go to 2009. Towards the bottom of the
22 page, you make a statement, "I realize that
23 differences in opinion, disagreement and
24 conflict are not uncommon in the workplace."

25 A. Correct.

1 Q. Is that your belief?

2 A. Yes.

3 Q. Other than the calendar entries that you
4 have referred to, do you have any other
5 documentation that you provided to Brian Edwards
6 concerning the complaints that you made to him
7 other than this complaint?

8 A. No, sir.

9 Q. At the bottom of page 2009, when you're
10 referring being stepped over for promotions in
11 Cody shop, I think you have already testified to
12 this, but that was the Operator II position that
13 wasn't filled when you came over to the Cody
14 shop and eventually was filled by Tim Morrison?

15 A. No, Tim -- that was over in the Powell
16 shop.

17 Q. Powell shop, I'm sorry.

18 A. Yes. Ron Nieters had told me I had been
19 put in. He had gotten me Operator II at the
20 Cody shop, okay. Then, when I found out I was
21 only Operator I when I got to Powell shop, I
22 called him and said, What happened? And he
23 said, Well, Brian decided that it was better
24 just to give you a raise. We're trying to raise
25 the -- he is trying to raise the pay scale,

1 whatever that means. And said, Sorry.

2 Q. You testified earlier that when you came
3 over to the Powell shop, you were hoping to fill
4 an Operator II job.

5 A. That is correct.

6 Q. Told me that was the only promotion that
7 was complained about in your charge of
8 discrimination, correct?

9 A. Yes, but it is the same one. Ron had
10 told me I was Operator II. He had gotten me
11 Operator II, and so when I went to the Powell
12 shop, I applied for that Operator II position,
13 or I talked to Dale about it, and requested it,
14 and then I found out I was still only Operator
15 I, so I didn't get moved up -- I don't know how
16 to explain it -- Ron put me in for Operator II.
17 He said, I got you Operator II. I went and
18 spoke with Dale Hobby and said, I would like to
19 take Jason -- I would like to get Jason Flower's
20 job -- or Jason Field's job. I would like to
21 apply for his position. He was an Operator II
22 who left. Dale said, Okay, are you Operator II?
23 And I said, I believe so. And he said, Well,
24 let me go and check that out.

25 Q. Do you have any documentation that shows

1 that you were an Operator II before being
2 transferred over to the Powell shop?

3 A. No, but we don't get that documentation.

4 Q. Well, you have looked in your personnel
5 file, correct?

6 A. Now I have, yes.

7 Q. Is there any documentation in your
8 personnel file that shows you were an Operator
9 II before moving over to the Powell shop?

10 A. No.

11 Q. Let's turn to the next exhibit, letter
12 from Park County prosecuting attorney. Do you
13 recognize this document?

14 A. Yes.

15 (Exhibit 12 was marked for
16 identification.)

17 Q. Did you receive this document from Bryan
18 Skoric, Park County prosecuting attorney?

19 A. No, I received that letter from Glen
20 Parker at the EEOC.

21 Q. I apologize. It is directed to Matthew
22 Nitta, correct?

23 A. Yes.

24 Q. And you received this from the EEOC?

25 A. Yes.

1 Q. If you turn to the second page, first
2 full paragraph. Says: "Unbeknownst to
3 Ms. Cornett, at the time she made her internal
4 complaint, Public Works had previously submitted
5 a request to the Park County Board of
6 Commissioners to increase her rate of pay on the
7 performance of her duties in 2019." Were you
8 aware of that?

9 A. No.

10 Q. Then it goes on to say, "However,
11 requested pay increases were uniformly
12 disapproved for all county employees by the
13 commissioners based upon budgetary constraints."
14 Were you aware of that?

15 A. No.

16 Q. It is my understanding, as a result of
17 taking FMLA for your own personal medical
18 issues, upon returning from medical leave, FMLA
19 leave, you were assigned to light duty work in
20 the Public Work's offices; is that correct?

21 A. Yes, sir.

22 Q. And at that time, you had not accrued
23 sufficient vacation and sick time, so you
24 requested donated sick time from your fellow
25 Park County employees?

1 A. Yes, that was done for me, yes.

2 Q. Are you aware that Brian Edwards had a
3 petition that commissioners to waive
4 restrictions on donated sick time so that you
5 could be paid while you were out?

6 A. Yes, sir.

7 Q. This happened not once, but twice. The
8 second time occurring when you were out as a
9 result of caring for your son, who was involved
10 in an accident on April 1, 2019.

11 A. Yes, sir.

12 Q. Did Brian Edwards, once this complaint
13 was filed, did he offer to transfer you back to
14 the Cody shop?

15 A. He said I could work over there if it
16 was too uncomfortable over in the Powell side.

17 Q. What was your response?

18 A. I did not respond. That would add an
19 extra hour drive onto my trip. I just wanted to
20 do my job.

21 Q. Did you respond to Brian that you would
22 never work with Chip Ash or Gator again?

23 A. No, I did not.

24 Q. When you're requesting time off for
25 reasons other than sickness, are you required to

1 contact your supervisor before taking time off?

2 A. Yes.

3 Q. Have you done that in regards to
4 communications with Paco?

5 A. Most of the time, if it is something
6 like in December, I had to go down to see my son
7 because he found his father dead, and my son has
8 a traumatic brain injury, then I called Brian to
9 let him know. I called him.

10 Q. Why didn't you call Paco?

11 A. Because I wanted to know how bereavement
12 worked, and if that fell under bereavement.
13 Paco doesn't know those answers and I figured I
14 was killing two birds with one stone, and it was
15 a very long moment so.

16 Q. Have you ever referred to Paco by any
17 derogatory names?

18 A. Paco.

19 Q. How about Puco?

20 A. Billy -- there are a couple of people
21 who actually call him that.

22 Q. Have you called him that?

23 A. I have once or twice, not to his -- like
24 in passing in a conversation.

25 Q. Just behind his back?

1 A. Just, yeah, because everybody says it,
2 and it comes out sometimes.

3 Q. Do you ever make a statement on the
4 radio, watch out for two ugly smart guys in a
5 white truck, referring to McDonald and Edwards?

6 A. No, I didn't; Snuff Triplett did.

7 Q. Cindy Stewart was employed by Park
8 County Road & Bridge, correct?

9 A. Correct.

10 Q. She was an Operator III at the time of
11 her retirement?

12 A. Correct.

13 Q. That is as high as you can go in Park
14 County Road & Bridge is Operator III?

15 A. Or foreman or above that, I guess, but
16 yes, in the Road & Bridge probably there and to
17 foreman.

18 Q. Rowdi Briggs, I think we've already
19 discussed him. He is the assistant foreman for
20 the Powell shop?

21 A. Yes.

22 Q. Do you believe he is qualified to be in
23 that position?

24 A. Yeah.

25 Q. I'm sorry. Your answer, Ma'am?

1 A. Yes.

2 Q. Let's take about a three-minute break.

3 I am going to look through my notes and I may be
4 done. And we will go back on the record and I
5 will turn it over to your attorney.

6 A. Okay.

7 (A recess was taken from 4:21 p.m. until
8 4:29 p.m.)

9 MR. THOMPSON: Ma'am, that concludes my
10 questioning for you. Thank you for your
11 cooperation and your attention to the questions
12 asked of you today. I will go ahead and turn it
13 over to your attorney at this time.

14 THE WITNESS: Thank you.

15 BY MR. KELLER:

16 Q. Okay, let's see here.

17 MR. THOMPSON: Marshall, do you want to
18 just break at this point and pick it up in the
19 morning?

20 MR. KELLER: I can go here for probably
21 about an hour real quick, and then we can call
22 it quits. Well, I guess we could. It's almost
23 five, isn't it?

24 (A recess was taken from 4:30 p.m. until
25 9:00 a.m. on March 13, 2024)

1 MR. THOMPSON: We are in day two of
2 Plaintiff Starkie Cornett's deposition. This is
3 Tom Thompson representing Defendant Park County.
4 I have completed my examination of Ms. Cornett
5 and have been informed that there is
6 approximately six hours minus breaks that were
7 taken of deposition testimony yesterday pursuant
8 to Federal Rule 30(d)(1). I would object to any
9 examination by plaintiff's counsel beyond seven
10 hours is exceeding the permissible duration of
11 any one deposition, and we will leave it at
12 that. Thank you.

13

14 STARKIE CORNETT,
15 Having first been duly sworn, testified as
16 follows:

17 EXAMINATION

18 BY MR. KELLER:

19 Q. Star, we will just kind of give you an
20 outline of what my portion on the depositions
21 are is basically I get to come back in, and I am
22 going to ask you questions regarding same
23 subjects and matters that Mr. Thompson has
24 asked, if that's okay. So just to recap a
25 little bit yesterday, you had started with the

1 Road & Bridge in Cody in -- as a temporary in
2 2016?

3 A. Yes.

4 Q. And that would -- and you started
5 sometime in the spring in April or about that
6 time?

7 A. Yes, as a flagger.

8 Q. Then you were brought on in November of
9 2017 as an Equipment Operator I.

10 A. Yes.

11 Q. Then you were an Operator I until --
12 well, let me rephrase that question. You made
13 Operator II in 2021?

14 A. Yes.

15 Q. Okay. I am going to go back to
16 Exhibit 6, and I believe we had a bates number
17 925, Park County 925. So I think there was a
18 little confusion when we're going over this
19 yesterday. And do you recall this being called
20 the "hidden paycheck"?

21 A. Yes.

22 Q. Is there somewhere on Park County bates
23 number 925 where it says "hidden paycheck"?

24 A. At the bottom.

25 Q. Okay.

1 A. In the small writing.

2 Q. And if you go up into the top, there is
3 a box up in the right-hand corner, can you read
4 what it states in the right-hand corner?

5 A. "Your Total Compensation July 1, 2021
6 through June 30, 2022 Updated as of 3/4/2022."

7 Q. Okay. Below that, is there one that
8 says "Position"?

9 A. Operator to Equipment Operator II.

10 Q. Okay.

11 Thank you. So that just reinforces that
12 you had made Operator II sometime in 2021?

13 A. Yes.

14 Q. By looking at that document, does that
15 give you the exact date that you made Operator
16 II?

17 A. No, it does not.

18 Q. Go to Exhibit 7 --

19 MR. KELLER: I am sorry, Tom, I am kind
20 of a Luddite on holding this stuff up, so you
21 will have to bear with me. I will try to read
22 them off. Let me know if you don't have them.

23 MR. THOMPSON: Thank you.

24 BY MR. KELLER:

25 Q. I am looking at Exhibit 7, and what I

1 believe is Park County 00914. And as you look
2 at that, this form, is this the Park County
3 Personnel Form?

4 A. I guess so. This is not something that
5 we get as employees.

6 Q. Okay. I am going to rephrase. Is that
7 what it states?

8 A. Yes.

9 Q. Then does that also state your position
10 in there?

11 A. It does.

12 Q. What is that position?

13 A. Equipment Operator II.

14 Q. And as we're looking down in the middle,
15 there is a section that says, "Changes for
16 Existing Employee." Do you see that?

17 A. Yes.

18 Q. And just for the record, what does it
19 state in there as far as -- as you read across?

20 A. Says, "\$17.40 New Pay Rate. 15-Grade,
21 1-Step, 16.04 Current Pay Rate, Effective Date
22 -- Current Pay Rate 12-Grade, 5-Step, 7/4/2021
23 Effective Date."

24 Q. Okay. You're not disputing that is when
25 you would have made Operator II?

1 A. I was told that I had it in 2018.

2 Q. I understand that, but --

3 A. I am not disputing, no.

4 Q. That is when you -- you are not
5 disputing that is when you started getting paid
6 for it?

7 A. Correct.

8 Q. Clear that up. I am going to go back
9 here on a little bit on some of your experience.
10 Now you talked about owning property in
11 Oklahoma?

12 A. Yes.

13 Q. Okay. And the property that you owned
14 in Oklahoma, about how long did you own that?

15 A. From 2002 until 2010.

16 Q. You stated you were running a tractor on
17 those -- on the property?

18 A. Yes.

19 Q. Okay. How large was the property?

20 A. 20 acres. Probably 15 of it was wooded.

21 Q. And this tractor, what implements did
22 you use on this tractor?

23 A. We used just a bucket brush hog and a
24 blade.

25 Q. Okay. So with the bucket, was that used

1 to move material?

2 A. Occasionally, yes.

3 Q. Possibly to dig?

4 A. Not so much digging. It was more of a
5 loader bucket.

6 Q. The brush hog, can you explain what a
7 brush hog is?

8 A. It is a mower deck about six-foot by
9 five-foot and it's on a three point hitch and it
10 mows tall grass. It is exactly what we have on
11 the mower for the county.

12 Q. Okay. And the bucket -- operating that
13 bucket, is it similar to running your front-end
14 loader at the job site?

15 MR. THOMPSON: Object to form, leading.

16 MR. KELLER: Let me rephrase that
17 question.

18 BY MR. KELLER:

19 Q. Is that -- the running the bucket on
20 your tractor, is that substantially the same as
21 anything you're running on the job site now?

22 MR. THOMPSON: Same objection.

23 THE WITNESS: Yes, it's a little more
24 rudimentary.

25 BY MR. KELLER:

1 Q. Is it similar to that you operate on the
2 job site?

3 A. It is the same as the loader or the tool
4 carriers that we had, or the mower. It just
5 doesn't have all the fancier buttons, and it
6 has -- it had two gears, basically, so forward
7 and reverse. I guess it had four-wheel drive
8 too.

9 Q. Okay. When you were talking about the
10 blade, what was the blade?

11 A. It was just like a moldboard like we
12 have on the graders, the motor graders, but it
13 was straight and in place. It only moved side
14 to side, so it didn't really -- you had to put
15 it in place down on the bar. So it attached
16 also to a three-point hitch, and so you had to
17 switch its direction down on that three-point
18 hitch. It wasn't an automatic thing.

19 Q. Okay. And but clarify that you were
20 using that to blade your road?

21 A. Yes, and other areas to make them flat.

22 Q. Similar to your grader?

23 MR. THOMPSON: Objection to form?

24 THE WITNESS: Yes and no. Yes, because
25 it kind of does the same thing, but no, because

1 it was more for clearing off -- well, for
2 clearing off debris from a flat area. It is not
3 as strong as a grader, but somewhat the same,
4 yes.

5 BY MR. KELLER:

6 Q. Again, just to reiterate, you were
7 operating this -- oh, let me back up. You
8 mentioned you had a flooring business?

9 A. Yes.

10 Q. All right. That flooring business, were
11 you able to use the -- did you use the tractor
12 at all in your flooring business?

13 A. If we had a big load of wood that we had
14 to unload from a semi truck, we would use the
15 forks -- the forklift or the forks on that
16 tractor to unload pallets of hardwood or pallets
17 of plywood.

18 Q. Okay. You were operating this tractor
19 from 2002 to 2010?

20 A. Yes, off and on.

21 Q. Okay. So that would be eight years of
22 use using that tractor?

23 A. Yes.

24 Q. Then in 2016, as a flagger, you'd
25 mentioned that Mr. Nieter [sic] was your

1 foreman?

2 A. Yes.

3 Q. Did he offer training for you?

4 A. Yes.

5 Q. What kind of training?

6 A. He -- when the weather was bad and we
7 weren't doing chipping or laying down asphalt,
8 he would say, Okay, well, what do you guys want
9 to do? So I said, I want to learn how to run
10 every piece of equipment on here. So he put me
11 in a loader and had me practicing pushing up the
12 pile. He put me in the excavator and had me
13 digging holes. He put me in the mower, he put
14 me in the broom. He put me in the Skid Steer.
15 We just got to mess around with that stuff.

16 Q. Okay. And, you know, I am going to back
17 up say, so Mr. Nieter, how many years -- do you
18 know how long he was with the Road & Bridge for
19 Park County?

20 A. I think 36 or 38.

21 Q. Was he -- did he seem knowledgeable?

22 A. Yes.

23 Q. Do you know if he was well respected
24 within the Road & Bridge community?

25 MR. THOMPSON: Objection to form,

1 speculation.

2 THE WITNESS: I believe he was.

3 BY MR. KELLER:

4 Q. Have you seen a news article about
5 Mr. Nieter?

6 A. Yes.

7 Q. Was that a positive article?

8 A. It was a very positive article.

9 Q. Did it talk about his reputation within
10 Park County Road & Bridge?

11 A. Yes.

12 Q. So I want to go to Exhibit 8. And we're
13 going to look at Park County bates 01228.

14 MR. THOMPSON: What is the deposition,
15 or excuse me, the exhibit?

16 MR. KELLER: Exhibit 8.

17 MR. THOMPSON: Job descriptions?

18 MR. KELLER: Yeah.

19 BY MR. KELLER:

20 Q. So getting back to -- I am going to ask
21 you to go ahead and review this document again,
22 Star. And by this, I mean, bates stamp 1228.

23 A. Yes.

24 Q. Okay. And so when -- did Mr. Nieters,
25 did he train you on use of the dump truck?

1 A. He trained me on that and so did James
2 Flowers and Jeff Gerhardt.

3 Q. The loader?

4 A. The loader, Ron taught me, Ron Nieters.

5 Q. The roller?

6 A. The roller was Ron Nieters and Billy
7 Sanvold.

8 Q. The mower?

9 A. The mower was Ron Nieters.

10 Q. What about construction and maintenance
11 of the mower?

12 A. That was gone over -- we are expected
13 generally to service our equipment, so we have
14 to know those things, and that is how we get to
15 know them. Is that what you meant?

16 Q. Uh-huh. Let's see here. And so, and
17 you -- when did you start operating that
18 equipment?

19 A. As soon as I got my CDL permit, I was
20 running the trucks, but before that I had run
21 the mower and the brooms and the loader.

22 Q. Did that job include monitoring flood
23 and control channels?

24 A. It did.

25 Q. Clearing culverts?

1 A. Yes.

2 Q. What about repairing pot holes?

3 A. Yes.

4 Q. Highways and shoulders of roads?

5 A. That really -- it was just mostly road
6 surface and things.

7 Q. Laying road cover and gravel?

8 A. Yes.

9 Q. So I mean, as you look at this job
10 description, can you point out something -- and
11 we're looking at job description for Equipment
12 Operator I, can you point out something that you
13 were not doing as an Operator I?

14 A. I can't say that there is anything.

15 Q. Now besides the equipment that was
16 listed in the description for Operator I, I am
17 going to look at the job description for
18 Equipment Operator II, same exhibit number as
19 Park County 01230. While you were at the Cody
20 shop, I want to ask you what equipment you were
21 trained on while you were there out at here, so
22 were you trained on the dozer?

23 A. Yes.

24 Q. Who did that?

25 A. Ron Nieters.

1 Q. The backhoe?

2 A. A little bit with Jeff Gerhardt.

3 Q. We already talked about the trucks. You
4 have been trained on the trucks, correct?

5 A. Correct.

6 Q. And the loader?

7 A. Yes.

8 Q. Were you trained on lowboy belly dump?

9 A. Yes.

10 Q. Who did that?

11 A. On the lowboy, Ron Nieters put me in
12 that. That was one of my training things for
13 my -- before I did my CDL testing.

14 Q. We talked about the roller. What about
15 the water truck?

16 A. Yes.

17 Q. Who trained you on that?

18 A. Travis Ball.

19 Q. What about the chip spreader?

20 A. There is only four people in the county
21 shop that know how to run the chip spreader.
22 Not everybody gets to do that.

23 Q. Okay. So not all the Operator IIs get
24 to do that?

25 A. Nope.

1 Q. What about the Operator IIIs?

2 A. Nope.

3 Q. Have you at least had a little bit of
4 familiarization with it?

5 A. Just how to hook up to it with my truck
6 and clean it out.

7 Q. And you were operating trucks?

8 A. Yes.

9 Q. What about dump trucks?

10 A. Yes.

11 Q. Trailers?

12 A. Yes.

13 Q. Snowplows?

14 A. Yes.

15 Q. Sanders?

16 A. Yes.

17 Q. Plowing, cleaning streets and highways?

18 A. Yes.

19 Q. As you look at this, I want you to look
20 at this description and, again, let me know if
21 there is anything in that description that you
22 are not doing as an Operator II. And I am going
23 to be fairly specific on the years between 2017
24 and 2020.

25 A. This all looks like stuff I had been

1 doing.

2 Q. Were you doing that in the Cody shop?

3 A. In the Cody, yeah.

4 Q. Okay. Then when you transferred to the
5 Powell shop, it was Dale Hobby that was your
6 foreman then?

7 A. Yes.

8 Q. Dale Hobby had you doing the same --
9 about everything that was listed in that
10 Equipment Operator II description?

11 A. No, he had started me out in the broom,
12 and then in the mower, and then in the water
13 truck, the dump truck, the belly dump, the
14 roller, helping to move equipment, but then he
15 retired.

16 Q. Right. And under Dale Hobby, you were
17 doing those same tasks?

18 A. Yes, he was checking me in what my
19 knowledge was.

20 Q. Okay. Now under Dale Hobby, was he also
21 allowing you to continue training on new
22 equipment?

23 MR. THOMPSON: Objection to form,
24 leading?

25 MR. KELLER: Go ahead and answer.

1 Before I do that, I am going to -- I am on
2 cross, I am allowed to go ahead.

3 THE WITNESS: He was checking my
4 knowledge in each piece of equipment because he
5 had been told by Ron Nieters what I had been
6 running.

7 BY MR. KELLER:

8 Q. How many years of experience, or to your
9 knowledge, do you know how many years Dale Hobby
10 had of experience?

11 A. I don't know.

12 Q. Do you know how long he had been with
13 the Road & Bridge?

14 A. I think he had been foreman for three
15 years. Or I don't know how. I don't know.

16 Q. Don't know?

17 A. That he was foreman.

18 Q. Okay. But you -- you were running
19 multiple different pieces of equipment under
20 Dale Hobby?

21 A. Yes.

22 Q. Then when Delray Paco became foreman,
23 how many pieces of equipment were you allowed to
24 run then?

25 A. It started out, I was just running the

1 broom, the trucks. I didn't start running the
2 mower as much until Cindy had gone. Cindy
3 Stewart. I was allowed to load trucks and push
4 up the pile.

5 Q. Back up. By load up and push up the
6 pile, describe what you're talking about.

7 A. That's with the tool carrier or a
8 loader. Pushing up the pile is where when the
9 trucks bring in loads, there are piles of
10 gravel, pit run, sand, and once those trucks
11 pull away, you push the material up into big
12 piles so that as the trucks come back through,
13 there is clearer places for them to lay the new
14 gravel and bring more in so that you can keep
15 the yard stocked by loading. It is loading
16 trucks, loading end dumps or dump trucks. And
17 the same thing.

18 Q. Okay. So under Ron Nieters and Dale
19 Hobby, you were doing the same job as all the
20 other people that would be considered equipment
21 Operator II level?

22 A. Yes.

23 Q. And then under Delray Paco, you were
24 limited to what equipment again?

25 A. The loader. The loader, the tool

1 carrier, the mower, the broom and the trucks.

2 Q. You were no longer allowed to run the
3 belly dumps?

4 A. I was running the belly dumps also. It
5 was -- I was no longer put in the dozer. I
6 wasn't put in the excavator or the backhoe. I
7 wasn't even considered for them.

8 Q. Were you offered any more training
9 opportunities under Delray Paco?

10 A. Will you say that again?

11 Q. Did Delray Paco offer you training
12 opportunities on new equipment?

13 A. No.

14 Q. What about improving your skills on the
15 equipment that you had been running on?

16 A. No, he didn't believe I had experience
17 in the grader. I don't know about if he knew
18 about the dozer or anything else, but he laughed
19 at me when I told him I had grader experience
20 over in Cody.

21 Q. So you explained to him that you had
22 experience running the grader?

23 A. Yes.

24 Q. He laughed at you?

25 A. Yes.

1 Q. Did he -- what about any of the other
2 equipment when you brought it up?

3 A. I had asked him if I could push material
4 with the dozer at the pit, that we at Big Horn
5 pit, and he said, No, I've got people who know
6 how to do that. People usually grab equipment
7 and in the yard and they'll go and mess with it.
8 The excavator, the dozer, different pieces of
9 equipment to familiarize and to do something
10 when we get into the shop around 4 or 4:15, and
11 I was not -- he told me no. And in fact, I got
12 in the excavator one day because that is what
13 everybody had been doing is getting in the
14 excavator, getting in something. We have a pond
15 on the property that we clean out, and he said,
16 What are you doing? And Kenny came over got
17 that in --

18 Q. So I am going to back up here a little
19 bit. As it was brought up yesterday, do you
20 know of any testing on equipment that was, as
21 far as your skill level, was done?

22 A. No. No.

23 Q. Did you -- when we went through your
24 employee files, did you -- was there any
25 documentation of equipment that you were

1 operating?

2 A. I don't -- well, the only documentation
3 there was, was of different damages on
4 equipment.

5 Q. Okay. And so if everybody's -- this is
6 a hypothetical. If everybody's employee file
7 was the same without training certifications and
8 hours on equipment, would it be safe to believe
9 that the way that they find out about your
10 experience is asking?

11 MR. THOMPSON: Objection, form.

12 THE WITNESS: Yes.

13 BY MR. KELLER:

14 Q. To clarify, do you believe that the only
15 way that Paco would have found out about your
16 experience is by asking you or one of your
17 previous foremen?

18 MR. THOMPSON: Objection to form.

19 THE WITNESS: Yes.

20 BY MR. KELLER:

21 Q. I am going to go to what we had listed
22 as Exhibit 1.

23 MR. KELLER: But obviously, it is not
24 Exhibit 1 now that we had sent to you, Tom, and
25 it will be bates Park County 01908.

1 MR. THOMPSON: Thank you.

2 BY MR. KELLER:

3 Q. Okay. So Star, before these
4 depositions, had you seen this document here --
5 by bates we're talking about the numbers down in
6 the right-hand corner. Have you seen this
7 document, bates 09108?

8 A. No.

9 Q. I am just going to posit to you that
10 this came from Park County.

11 MR. THOMPSON: Counsel, sorry to stop
12 you. I thought the bates number was 019. It is
13 1908?

14 MR. KELLER: Yeah, 1908.

15 THE WITNESS: So I guess it is 13 now.

16 MR. KELLER: Let me know when you're
17 there, Tom.

18 MR. THOMPSON: Okay.

19 BY MR. KELLER:

20 Q. And so we're just going to first get
21 into the description of this document, okay. So
22 up in the left-hand corner, what -- can you read
23 that for the record?

24 A. "Summary of Road & Bridge Department
25 Wage Adjustments."

1 Q. As you look across, does this look like
2 a spreadsheet?

3 A. Yes.

4 Q. And in the top row of the spreadsheet,
5 can you read off what's in the top row?

6 A. "Name, District Position, Hire Date, End
7 of Employment, Years of Service, Grade/Step,
8 FY 2024, FY2023, FY2022, FY2021, FY2020,
9 FY 2019, FY2018, FY2017, FY2016, and FY2015."

10 Q. So by FY2024, all the way down to
11 FY2015, do you believe that those are years?

12 A. Basically, years.

13 Q. Under the names, do you recognize the
14 names in the column under -- in that column?

15 A. Yes.

16 Q. How do you know those names?

17 A. These are the people that I work with or
18 have worked with, most of them.

19 Q. Okay. The ones that you have worked
20 with down at the bottom, are they -- they are
21 crossed out, correct?

22 A. Correct.

23 Q. The ones up top above those are the ones
24 that are current employees?

25 A. Yes.

1 Q. Do you see your name in?

2 A. Yes.

3 Q. Okay. So as you're looking at your
4 name, can you go to fiscal year 2020, and tell
5 me what your wage was in fiscal 2020?

6 A. \$15.32.

7 Q. Were you the lowest paid employee at
8 Road & Bridge that year?

9 A. I think so. Yes. Out of the employees
10 that are still there.

11 Q. We will get there. So looking at fiscal
12 year 2019, does it appear that there are other
13 new hires that year?

14 A. No. 2019?

15 Q. Yes?

16 A. Yes, there are three.

17 Q. Who were they?

18 A. Norton, Mark; Marchant, Kenny, and
19 Torczon, Greg.

20 Q. Okay. Were they -- their pay rates in
21 fiscal year '19, were they -- how do they
22 compare to your pay rate?

23 A. They're higher.

24 Q. Are they all males?

25 A. Yes.

1 Q. Okay. We're going to go all the way to
2 fiscal year of 2021, or, yeah, 2021. Was there
3 a new hire in 2021, and if so, who was it?

4 A. Yes, there was, and it was Mike Lohr.

5 Q. Then in 2021, what was his pay rate?

6 A. \$14.40.

7 Q. What was it fiscal year 2022?

8 A. 22.21.

9 Q. Was that higher than your pay rate?

10 A. Yes.

11 Q. And do you know if he had undergone any
12 equipment testing to -- let me back that up. Do
13 you know what he was bumped up to?

14 A. No.

15 MR. THOMPSON: Counsel, just as a point
16 of clarification, Mike Lohr is a mechanic.

17 MR. KELLER: I think it also says
18 Operator III. That is what I was going to get
19 to there.

20 MR. THOMPSON: Okay.

21 BY MR. KELLER:

22 Q. As you go across, can you see where it
23 has the designations?

24 A. Yes. Says he is a Mechanic/Operator
25 III.

1 Q. Thank you. Then -- so then, as we get
2 to fiscal year of 2022, please go through that
3 and tell me how many employee -- fiscal year of
4 2022 earn a wage less than you?

5 A. None.

6 Q. Go through the entire list, please.

7 A. I see. Jeremy Decker, looks like I am
8 reading that right, and Joe -- nope, just Jeremy
9 Decker makes 15.60, and I make 17.90 at that
10 time in 2022.

11 Q. Just to clarify, so all the way from
12 your time from 2016 up until fiscal year of
13 2022, you were the lowest paid person in Road &
14 Bridge?

15 A. Correct.

16 Q. Now we're going to go down to the people
17 that had -- have left on the bottom of this and
18 by -- and you recognize the names?

19 A. Jason Fields, Chris Solberg, James
20 Flowers. I don't remember Chris Solberg, but
21 the ones in blue, is that all you wanted?

22 Q. Yep.

23 A. Yep. Jason Fields, Chris Solberg and
24 James Flowers.

25 MR. THOMPSON: Counsel, just for my

1 clarification, where is she reading from? Is it
2 the.

3 THE WITNESS: The marked out.

4 MR. THOMPSON: The stricken cross
5 through names, the second bottom half of this
6 exhibit.

7 MR. KELLER: Yes, yes.

8 MR. THOMPSON: Doesn't it start with Ted
9 Dykes?

10 MR. KELLER: It does. I was going to
11 have her go back up. I just asked her which
12 ones she recognized.

13 MR. THOMPSON: Oh, okay.

14 THE WITNESS: Ted Dykes, Cory Holloway,
15 Phillip Heeg, John Klein, Elio Merino, Chris
16 Carter, Travis Ball, Mark Smith.

17 BY MR. KELLER:

18 Q. Okay. So as we're looking in fiscal
19 year of 2018, can you -- does it appear to you
20 that -- who quit and if so, who -- or left?

21 A. On the bottom row or all through?

22 Q. Can you -- so let me clarify that. So
23 as you're looking at this spreadsheet, do you
24 see lines where there is no numbers in those
25 lines?

1 A. Yes.

2 Q. Then as you go from left to right, do
3 you hit numbers that are crossed out for the --
4 they look like monetary amounts?

5 A. Yes.

6 Q. And does that indicate to you the year
7 that they possibly -- or what does that indicate
8 to you?

9 A. That indicates to me that they left Park
10 County Road & Bridge.

11 Q. And, again, that says to your
12 understanding by looking at this exhibit?

13 A. Yes.

14 Q. You didn't produce this?

15 A. No, I did not.

16 Q. So as -- but you do recall knowing Bill
17 Sanvold?

18 A. Yes.

19 Q. Jason Fields?

20 A. Yes.

21 Q. Okay. When you're looking at the rows
22 with Bill Sanvold's name and Jason Field's name,
23 what year does the last year where there is an
24 entry for what appears to be a pay rate?

25 A. For Bill Sanvold it was 2018, and same

1 thing for Jason Fields.

2 Q. For those -- does that sound about --
3 does that match your memory as to when they left
4 in 2018?

5 A. I believe so, yes.

6 Q. Okay. Do you know if there was budget
7 cuts that year?

8 A. I don't remember.

9 Q. Okay. Do you believe that those were
10 budgeted positions?

11 A. Yes, I do.

12 Q. Then in fiscal year 2019, are there
13 other people that left in 2019?

14 MR. THOMPSON: Objection, form,
15 foundation.

16 BY MR. KELLER:

17 Q. Go back as you're looking at
18 Exhibit 1908, and you look in the column for
19 FY2019; do you see where people would have left?

20 MR. THOMPSON: Same objection?

21 THE WITNESS: James Flowers left that
22 year.

23 BY MR. KELLER:

24 Q. How can you tell he left that year?

25 A. Because there is no more monetary

1 reporting for him for after 2019.

2 Q. Does that match with your memory?

3 A. Yes, it does.

4 Q. Did Cindy Stewart leave in 2019?

5 A. Yes, she did.

6 Q. Okay. Dave Williams?

7 A. Yes, he did.

8 Q. What about Dale Hobby?

9 A. Yes, he did.

10 Q. When Dale Hobby left, he was a foreman,
11 correct?

12 A. Correct.

13 Q. But then Delray Paco moved up into that
14 position?

15 A. Yes.

16 Q. And to your knowledge, were those
17 budgeted positions?

18 A. Yes, they were.

19 Q. I'm going to just mark that. I believe
20 we were on -- maybe the court reporter can
21 correct me. Mark that as Exhibit 13.

22 (Exhibit 13 was marked for
23 identification.)

24 BY MR. KELLER:

25 Q. So questions had come up about your

1 knowledge of what other people had done prior
2 and how you would know. Have you seen any
3 resumes of other employees?

4 A. No. Well, yes, I have.

5 Q. Which employee?

6 A. Well, I have seen it for several. I
7 have seen Orrin Denny's, I have seen Mike
8 Lohr's. When they have people apply for a job,
9 then generally Paco brings us any candidates
10 that are out there, and he passes around their
11 application and their resume, and he says, Just
12 go through these, tell me what you think, if you
13 know any of these guys, if they're worth hiring,
14 if they're not, whatever; so we all look through
15 the resumes and give him the ones that we like
16 and.

17 Q. Okay. That opens up a whole new line of
18 questioning. I am going back -- so do you know
19 if that was the practice for when you were
20 brought over from the Cody shop to the Powell
21 shop?

22 A. No.

23 Q. Did anybody tell you that people had
24 reviewed your?

25 A. No.

1 Q. Do you know if it had been brought up
2 whether or not people could object to you coming
3 over to the Powell shop?

4 A. Can you say that again?

5 Q. Do you know if people had the ability to
6 object to you going to the Powell shop?

7 MR. THOMPSON: Objection to form.

8 THE WITNESS: Yes.

9 BY MR. KELLER:

10 Q. How do you know?

11 A. Because Dale Hobby told me.

12 Q. Dale Hobby, again, was the foreman at
13 the time?

14 A. Yes.

15 Q. So what was your understanding of
16 that -- how that worked from your conversation
17 with Dale?

18 A. Well, my conversation with Dale was on
19 the phone, and he told me that Paco was the only
20 one in the whole entire Powell crew who
21 completely objected to me transferring over.

22 Q. So I am going to rephrase that again.
23 So what is your understanding as to who
24 objected?

25 A. My understanding is Delray Jones

1 objected.

2 Q. Was it your understanding he was the
3 only one that objected?

4 A. Yes.

5 Q. Okay. So other than -- when the time
6 when people -- when you had been given those
7 resumes at your job site, have you had any
8 applications -- have you had a chance to review
9 any of them for these depositions?

10 A. No, I have not.

11 Q. If they were provided to you, would you
12 have?

13 A. Yes.

14 Q. So did you get a chance to look at Mike
15 Lohr's application and resume?

16 A. Yes.

17 Q. And do you recall what his prior
18 experience had been when you had looked at it?

19 A. Not completely. I don't remember. I
20 know what he has talked about since then that
21 his jobs were.

22 Q. So then that comes back, so besides what
23 you had seen, what's the only other way you
24 would be able to know what people's prior
25 experience was is through talking with them?

1 A. Yes.

2 Q. Do you talk to other employees about
3 what they have done in the past?

4 A. I do. Or they talk out loud about what
5 they have done in the past.

6 Q. Okay. Mike Lohr, what was -- where did
7 he -- prior to coming to Park County Road &
8 Bridge, where had he been employed?

9 A. What he talks about a lot is the, I
10 think it's the Game and Fish, or something that
11 he used to work for where they trap and release
12 animals and tag them and stuff like that. He
13 also works -- he has kind of a farm business.
14 He does horse shoeing. A lot of hunting.

15 Q. And you had also had the opportunity to
16 have other employees like Tim Morrison talk to
17 you about what they had done prior to coming on
18 to Road & Bridge?

19 A. Yes.

20 Q. Okay. What about Arthur Briggs?

21 A. Yes.

22 Q. What was your understanding of what
23 Arthur Briggs did before coming on?

24 A. Arthur Briggs used to own a farm. He
25 did a lot of farming. He also owned a -- his

1 wife owned, I should say, an auto salvage place.

2 He has driven a truck, driven all over the
3 place. Every year he takes about three weeks
4 off in the summer, or late summer, early fall,
5 to run beets and corn and stuff for other
6 farmers now.

7 Q. Sort of like similar to that you taking
8 the side hustle job to?

9 A. Yes.

10 Q. To drive trucks?

11 A. Yes.

12 Q. What about Kenny Marchant? Did you talk
13 to Kenny Marchant about what he had done
14 previously?

15 A. Yes. Kenny's dad ran a hydro seed
16 company for 20 years. I had asked Kenny if he
17 had ever run a loader because he was having
18 issues in the pit, and I had to show him a few
19 things on the loader. He told me, no, I have
20 only run basically a farm tractor, kind of like
21 your Kubota probably, and driven trucks.

22 Q. So again, your understanding of that
23 conversation speaking with Kenny Marchant was he
24 had operated a small medium sized tractors?

25 A. Yes.

1 Q. And driven trucks?

2 A. Yes.

3 Q. So now when some of these other
4 employees --

5 MR. KELLER: Actually, I want to take a
6 break there, Tom, if that is okay.

7 MR. THOMPSON: Sure.

8 (A recess was taken from 10:04 a.m.
9 until 10:14 a.m.)

10 MR. KELLER: We're back from break.

11 BY MR. KELLER:

12 Q. Just to remind you, Star, you're under
13 oath?

14 A. Okay.

15 Q. So I want to talk a little bit about
16 what you have observed as far as when other
17 trainees have been hired on in regards to
18 training. So you mentioned that under Delray
19 Paco, you were not being trained on any new
20 equipment?

21 A. Correct.

22 Q. Who was?

23 A. Kenny, Tim, Mike, Orrin, that's -- well
24 Cory, who used to work there. That's about it.

25 Q. So let's do this by -- you said first

1 names. Let's use last names too. So you
2 mentioned Kenny. Is that Kenny Marchant?

3 A. Kenny Marchant, Tim Morrison, Orrin
4 Denney, Mike Lohr, Cory -- I have to look at
5 that paper to tell you his last name.

6 Q. Okay. So when Tim Morrison was hired,
7 there was training required for him?

8 A. Yes.

9 Q. Who trained him?

10 A. Snuff did some on the grader.

11 Q. So back up there. Who is Snuff?

12 A. Kelly Triplett did some in the grader
13 along with Chris Carter. I believe he was put
14 in the dozer a couple of times out in the pit.
15 That's basically where Paco takes them out and
16 says, Hey, here, jump in. Familiarize yourself
17 with the controls. This is what I want you to
18 do. Go from this spot to this spot. He was
19 running the roller on lane five and he was
20 having difficulties. I helped him -- show him
21 how to roll in the roller. Let's see, Chris
22 Cooper did some training with him in the grader.

23 Q. I am going to back you up a little bit
24 there. So I take it you mentioned Delray took
25 them down to the pit to train them on the dozer?

1 A. I believe so. I was not there.

2 Q. What makes you believe so?

3 A. Because Paco has taken Kenny Marchant
4 and he took Cory down to the pit, to the Big
5 Horn pit, and put them in the dozer and told
6 them, Here, I am going to let you run this for a
7 day and get used to it.

8 Q. How do you know that happened?

9 A. Because we were loading out of that pit,
10 and when we all pulled into the pit, Paco was
11 telling Kenny to get in there. And Kenny had
12 said, Well, this will either go good or it
13 won't, or something to that effect.

14 Q. So those are things you witnessed
15 yourself?

16 A. Yes.

17 Q. Were you afforded the same opportunity?

18 A. No.

19 Q. You mentioned Tim Morrison's training.
20 That included the grader. You said you
21 previously had been trained on the grader,
22 correct?

23 A. Correct.

24 Q. Okay. Did Tim Morrison ask you at all
25 for advice on how to run the grader?

1 A. At one point, Chris Cooper put me in the
2 grader. We were on lane three, and he was
3 letting me lay out. He was letting Rowdi lay
4 out the pit run that the trucks were dumping and
5 he let Tim lay out. When we got done with the
6 day, Tim said, I don't know how you can just do
7 that in three passes. I don't. I have a hard
8 time with that.

9 Q. Okay. So I am going to have you explain
10 the process for laying out gravel or what you're
11 talking about. So when you're talking about
12 layout, can you describe what happens?

13 A. So the grader pad is usually sitting to
14 the side of the road. They will tell you
15 whether they want you to -- the truck drivers to
16 lay out their load either in one lane in the
17 center or where they want the load of gravel pit
18 run, whatever they're putting down. They will
19 say, I want it right here. They will -- the
20 grader hand will also tell you to dump it once
21 your window, your passenger window, or your
22 driver's window gets to their front tire on that
23 grader. So that's where the truck's dumped,
24 okay? They dump the load. The grader hand then
25 backs up and then you spread out the materials.

1 So the way I was taught, you go down the center
2 and you push it out, then you go to the right
3 side, and then you go to the left side, and you
4 push it out. And you have to maintain the edges
5 of the road for the whole distance.

6 Q. I want to back up there just to get the
7 description in a little bit clearer. So when
8 you're saying that you go down, you're talking
9 about -- so this pile of gravel is in front of
10 the blade on the grader?

11 A. Yes.

12 Q. And you're driving forward spreading it
13 out in front of the blade?

14 A. Yes, you're pushing it out across the
15 road and down the road.

16 Q. By "pass," you're talking about how many
17 times you have to do that to smooth out the
18 road?

19 A. Yes.

20 Q. It took you --

21 A. Three passes.

22 Q. How many did it take Tim?

23 A. Five or six or more, and sometimes he
24 would have to go to the end, turn around and
25 push material back because he overworked the

1 burden or the load.

2 Q. And did you ever have to show Arthur
3 Briggs how to do anything?

4 A. No, I did not.

5 Q. Kenny Marchant?

6 A. Yes.

7 Q. What did you have to teach Kenny
8 Marchant?

9 A. We were in the pit. It was one of his
10 first days. He was running the loader. He
11 picked up a bucket of pit run. He was to load
12 the trucks. We each take turns loading the
13 trucks as we go. He was loading trucks, and he
14 kept going with the bucket raised up in the air
15 and the pit floor was not flat as most of them
16 aren't, and I walked up to Rowdi and said,
17 Aren't you going to tell him to bring that
18 bucket back down? He said, No, he has got to
19 figure it out on his own. He is an Operator II.
20 So I stopped Kenny and told him, Hey, Kenny, you
21 got to bring that bucket down when you're
22 loading people because it is dangerous to travel
23 with the bucket in the air because that weight
24 will knock over anything. It can hurt you, it
25 can hurt the trucks, it can hurt the equipment.

1 And then I showed him how to push. I noticed he
2 was using the manual switch on the side to go
3 forward and backwards, and I said, Do you know
4 how to use the automatic switch? And he said,
5 No. So I showed him which buttons to push to
6 make it so that all of his controls were in his
7 joy stick controller. He told me that the
8 tractor -- the loader was kind of bouncy. I
9 showed him the stickers on the side window in
10 the loader that tell every single operation of
11 that loader are the buttons in that loader, and
12 so he could push ride control.

13 Q. Did you have to explain or teach anybody
14 anything about maintenance?

15 A. We were switching out the blades on the
16 side deck on the mower, and Tim said, So what do
17 we have to do, block this up, or how do we get
18 to that? Do we have to use roller? I said, No,
19 there is a hole in the side. Somebody gets on
20 this side and on the bottom side where the
21 blades are. You hold that, somebody else gets
22 on there with the drill. So I had to tell him
23 how to take those blades off and replace them.

24 Q. So you showed Tim how to do maintenance
25 on the mower?

1 A. Yes.

2 Q. So when we -- going back to the grader
3 and passes, when you're operating a truck now,
4 are there times where you're in line waiting?

5 A. Yes.

6 Q. And besides watching the grader
7 operator, are you supposed to be doing anything
8 else?

9 A. No, you're just waiting for your turn.

10 Q. So when you're watching that, you're not
11 necessarily -- you are doing your job, correct?

12 A. Correct.

13 Q. And in watching Tim Morrison's
14 performance now, does he still struggle with
15 that job?

16 A. He is getting better now, however, he
17 has his struggles.

18 Q. And you talk with other operators from
19 Cody and Powell?

20 A. Yes.

21 Q. And what is Tim Morrison's reputation as
22 an operator of equipment?

23 A. Joe and Kip over in the Cody shop have
24 told us that if they are told to come and run
25 loads to Powell to one of our grader hands, they

1 will ask which grader hand, and if it is Tim,
2 they will flip a coin.

3 Q. So I am going to ask the question again.
4 So what is Tim Morrison's reputation as far as
5 being an equipment operator?

6 A. He is not a hand. He should be put back
7 in a truck.

8 Q. I want to start talking a little bit
9 about some of these safety and accident reports
10 that we looked at a bit yesterday. And do you
11 recall looking at the report for the tire on the
12 tractor?

13 A. Yes.

14 Q. Do you recall when that was filed?

15 A. That was sometime in 2020, I believe,
16 September.

17 Q. Was that after you had filed your
18 complaint?

19 A. Yes.

20 Q. Were there -- from the files that were
21 sent that you have been able to review, were
22 there any files previous or any complaints in
23 your file prior to the tractor incident?

24 A. Not that I have seen, no.

25 Q. So in regards to running the tractor or

1 mowing the ditches, what was the procedure under
2 Dale Hobby?

3 A. Dale would have us go and check our
4 right-of-ways. We would go out generally two
5 people to a truck, and our job was to go and
6 check our right-of-ways.

7 Q. Why would there be two people to the
8 truck?

9 A. Kind of because that's the only amount
10 of trucks there was, but if there was stuff in
11 the right-of-way, we could help each other to
12 get it cleaned up or move it to the edge of the
13 road so we could pick it up later with an end
14 dump or whatever was needed.

15 Q. Okay. And why would you inspect the
16 ditches prior to mowing?

17 A. Because there's a lot of junk in there.
18 There could be bicycles, T-posts, delineator
19 posts, concrete slabs, big rocks, chunks of
20 wood. Fence line, fence posts, fence of all
21 different kinds. There can be garbage, bags of
22 garbage, different things.

23 Q. As your -- let me rephrase that. The
24 ditches, I mean, what is the condition that as
25 far as the grass and visual ability to see

1 obstacles?

2 MR. THOMPSON: Objection to form.

3 MR. KELLER: Yeah, bad question.

4 BY MR. KELLER:

5 Q. Can you explain why you would walk the
6 ditch first instead of just driving the tractor
7 down the ditch?

8 A. Because spring time is our super busy
9 time, and usually by the time we start mowing,
10 the kochia weeds, the alfalfa, the stuff can be
11 anywhere from three to five-foot tall, and you
12 can't -- you can't see everything. You can't
13 see anything most of the time.

14 Q. So then what's the -- what was Delray
15 Paco -- what is the procedure under Delray?

16 A. He just says, I want you to go start
17 mowing, usually in whatever area we are going to
18 chip seal or whatever area we're going to do our
19 hot patch, our asphalt patching.

20 Q. So he doesn't send people out to inspect
21 prior to mowing?

22 A. No.

23 Q. Is that a safety concern?

24 A. Yeah.

25 Q. Have you brought that up as a safety

1 concern?

2 A. I have.

3 Q. When?

4 A. Last year as I was mowing. I was mowing
5 in the town of Ralston, and a gentleman had
6 taken rebar spikes and pounded them at different
7 levels in the right-of-way right where I was
8 mowing. They were anywhere from six inches to
9 18 inches tall. Luckily, I didn't hit any of
10 those. I brought that to Paco's attention, and
11 he said, No, that is dangerous. And he said,
12 Well, I am going to have to check with the
13 office. If it is in the right-of-way, it just
14 shouldn't be there. I noticed last week they
15 finally got -- they're not there anymore. Kelly
16 Triplett lives right nearby. He brought it to
17 the attention of Paco as well.

18 Q. Do you know if it has been brought up
19 that you -- that people should be inspecting the
20 ditches prior to mowing?

21 A. No.

22 Q. You don't know if that has been brought
23 up? But Paco was there when Dale Hobby had the
24 ditches inspected prior to mowing?

25 A. Yes.

1 Q. I want to talk a bit about this truck,
2 TR29.

3 A. My trailer, or a trailer.

4 Q. Do you know -- has anybody else driven a
5 TR29?

6 A. Usually that is Kenny's belly dump.

7 Q. Besides Kenny, who else has driven? Is
8 there anybody else that has driven?

9 A. We have all -- we all take turns
10 depending on if something is being serviced or
11 whatever, so I would say Kelly Triplett, myself,
12 Rowdi Briggs, Kenny Marchant, Orrin Denney, even
13 Mike Lohr. We have all driven.

14 Q. Anybody else have trouble with the
15 trailer rear axle locking up?

16 A. On Monday, Rowdi did.

17 Q. Are you talking this last Monday?

18 A. Yes.

19 Q. What happened?

20 A. He said he pulled into the pit. He
21 pulled his park brake, and then when he was
22 going down the hill, he realized that his back
23 axles were locked up. I don't know if it was
24 both axles or one, but he rode those all the way
25 to the gate, or close to the gate, and got them

1 to work and continued. I don't know about
2 before that.

3 Q. I have here -- would have been what I
4 sent over in Exhibit 5, but the page or bates,
5 Park CO 00096.

6 MR. KELLER: Let me know when you're
7 there, Tom.

8 MR. THOMPSON: Go ahead.

9 BY MR. KELLER:

10 Q. Star, do you remember looking at this
11 document when we were going over discovery?

12 A. Yes.

13 Q. Have you seen this document prior to us
14 going over the document?

15 A. No, I have not.

16 Q. So I am just -- and you believe this
17 came from Park County?

18 A. Yes.

19 Q. Now I am just going to have you describe
20 it as we go through. Does it look like a
21 spreadsheet to you?

22 A. It does.

23 Q. As you're going from left to right, what
24 is in the columns?

25 A. There is the trailer number. I don't

1 know what the second number is. I guess work
2 that has been done. Cost on -- I am not sure
3 what the costs are on. The date, and then
4 another description.

5 Q. So do you see a two as you're looking
6 over in the left hand column, there is a section
7 that says "Group." Can you see that?

8 A. Yes.

9 Q. Over on the left-hand side?

10 A. Yes.

11 Q. Okay. And what does that group state on
12 the left-hand side, kind of about two-thirds of
13 the way up?

14 A. Group TR29.

15 Q. What does TR29 mean to you?

16 A. TR29 is the trailer No. 29.

17 Q. So let's -- the top row, or TR29, what
18 is the first entry as far as -- it looks like
19 the third column?

20 A. Yes. "These were the tires that needed
21 replaced after Star drug them off."

22 Q. As you go across, you get to the date
23 column?

24 A. Yes.

25 Q. What is the date?

1 A. 10/20/23.

2 Q. What's the final column state?

3 A. "These were the tires needed replaced
4 after Star drug them off."

5 Q. Okay. Now the next row below that, can
6 you read the next row?

7 A. "Replace brakes and drums. Installed
8 new S-cam bushings on rear axle. Left rear
9 brake can was leaking, replaced with new."

10 Q. Okay. That's in the third column?

11 A. Yes.

12 Q. As you go across to the date column,
13 what is the date?

14 A. 9/27/23.

15 Q. What is in the final column?

16 A. "Replace brakes and drums. Installed
17 new S-cam bushings on rear axle. Left rear
18 brake can was leaking, replaced with new."

19 Q. Okay.

20 Do you know who made these entries?

21 A. I don't know. One of the mechanics, I
22 believe, is in charge of this, or both of the
23 mechanics. I don't know. Sorry.

24 Q. Fair enough. So when you read that,
25 what does the -- what does that mean to you?

1 MR. THOMPSON: Objection to form,
2 foundation, speculation.

3 BY MR. KELLER:

4 Q. Let me rephrase that. So you just read
5 the descriptions, correct?

6 A. Correct.

7 Q. And you have read the dates.

8 A. Correct.

9 Q. And you have read what someone had
10 entered as far as repairs to what you believe is
11 TR29?

12 A. Yes.

13 Q. Okay. And so as you looked at the
14 dates, you have read the descriptions. What
15 does that mean to you?

16 MR. THOMPSON: Same objection.

17 THE WITNESS: Tells me that the brakes
18 and bushings on the rear axle were replaced and
19 fixed, and that is the same axle that drug on
20 that trailer.

21 BY MR. KELLER:

22 Q. That was within a month of when your
23 accident was?

24 A. Yes.

25 Q. Do you know if there is any quality

1 control done on repairs in the shop?

2 A. No.

3 Q. No, there isn't, or you don't know if
4 there is?

5 A. No, I don't know if there is. I don't
6 think so. "Let's just drive it, it's fixed."

7 Q. I am going to enter this as Exhibit 14.
8 We'll mark it 14, not enter.

9 (Exhibit 14 was marked for
10 identification.)

11 BY MR. KELLER:

12 Q. Have you talked to another mechanic
13 about possibilities of what might cause the rear
14 axle to lock up on that truck?

15 A. Yes, because it was only the rear axle,
16 not both axles. It didn't make sense. He said,
17 Well, it could be the valve, but it could be the
18 cams, and/or one cam, or any of the cams. And
19 he said, Generally, the valve is either off or
20 on, meaning the brake is either off or on, but
21 if only one axle is locked during that time,
22 then there is a problem. Both axles should lock
23 up if the brake valve is on.

24 Q. Okay. In the pictures that you saw
25 regarding the tire damage, was it one axle?

1 A. It was only one axle, and he said there
2 could be rocks in the slack adjusters, which
3 there were not at the time that it happened, and
4 he said, but other than that, he said, that
5 happens quite often and it sounds like it's
6 probably the cams.

7 Q. Okay. So I am going to talk to you a
8 little bit about tires. That word -- where were
9 you when the trailer rear axle locked up on you?

10 A. I was on a dirt road hauling to upper
11 Sunshine Lake in Meeteetse.

12 Q. There were other employees working out
13 there?

14 A. Yes.

15 Q. Which shop?

16 A. Both shops.

17 Q. Okay. Were there other employees that
18 had tire damage that week?

19 A. Yes.

20 Q. How many that you know of?

21 A. Quite a few. Two for sure. Possibly
22 three, but two that I know of for sure.

23 Q. What can cause the tire damage?

24 A. Pretty much anything. You can get a
25 rock stuck between your duals and your tires,

1 and that can cause issues. Just running through
2 the pit, different sharp rocks. Could be where
3 you're turning around. If you're having to make
4 really tight turns, sometimes that can damage
5 tires. It can run them off, but you can run
6 over a nail, you could run over anything on
7 these roads.

8 Q. So it is not uncommon for tire damage?

9 A. No, it is a normal daily thing.

10 Q. The cell phone usage, as far as -- do
11 you know if there is a policy regarding cell
12 phone usage while you're operating equipment or
13 trucks?

14 A. I haven't seen a policy in the policy
15 manual, but I know that we were given an
16 addendum a few years ago about not using our
17 cell phones, and if we were caught using our
18 cell phones and texting and stuff while in the
19 trucks, we were in deep trouble. Also, as a CDL
20 holder, we are not allowed to be talking on the
21 phone unless it is a hands free situation.

22 Q. So as a CDL, if you're driving on the
23 road, are you stating that there is potential
24 fines and penalties for using a cell phone while
25 you're operating a truck?

1 MR. THOMPSON: Objection to form. I
2 have let it go. This is leading. It is your
3 own witness. It's not normal cross-examination.

4 MR. KELLER: Okay.

5 BY MR. KELLER:

6 Q. Do you know, Star, what are the
7 penalties for using a cell phone in a CDL truck?

8 A. You can get a fine, get ticketed and get
9 fined. It goes against the driving record, and
10 also, it's just a form of distracted driving.
11 It can cause accidents and other things.

12 Q. Regarding the lower deck, did you
13 pre-inspect the lower deck before taking it out?

14 A. Yes.

15 Q. Did that include looking at the skid
16 plate?

17 A. Yes.

18 Q. Can you describe the welds for the --
19 well, let me back up. That includes looking at
20 the shoes on the skid plate?

21 A. Yes.

22 Q. Can you describe the welds that were
23 done on the shoes for the skid plate before you
24 took it out?

25 A. Some of the shoes were welded on with a

1 solid line of weld. Some were with a broken
2 line of weld.

3 Q. Is that something -- is that what you
4 would call a tack weld?

5 A. Yes.

6 Q. Do you know who did those welds?

7 A. Mike Lohr.

8 Q. Do you know if Mike Lohr is a certified
9 welder?

10 A. I don't.

11 Q. Do you know if there was any quality
12 control checks on his work?

13 A. I don't.

14 Q. Do you know if Delray Paco would have --
15 if he would have inspected it prior to taking
16 the equipment?

17 A. I don't.

18 Q. So I want to talk to you a bit about
19 Chris Cooper. That came up yesterday as well.
20 You know Chris Cooper from work?

21 A. Yes.

22 Q. Did you know Chris Cooper from work?

23 A. Yes. I said I know him from work and
24 that's the only place I know him from.

25 Q. Do you find it pretty offensive that

1 someone mentioned to you that you may have had
2 an affair with Mr. Cooper?

3 A. Yes.

4 Q. Do you know where that rumor would have
5 come from?

6 A. No. It is typical.

7 Q. What do you mean, typical?

8 A. Was the same thing they said about Ron.

9 Q. Okay. And who is "they"?

10 A. The guys that work at the county shop on
11 the Cody and the Powell side. Certain guys, I
12 guess, not all of them.

13 Q. Did you ever hear that -- how do you
14 hear about these rumors?

15 A. They are spoken up, like the snuggling
16 comment that was made with -- about Ron and I in
17 the other shop, in the Cody shop. I didn't hear
18 anything in the Powell shop. That was kind of
19 out of the blue, that is offensive.

20 Q. Do they make the same comments about men
21 dating men there?

22 A. No.

23 Q. Okay. Back to Chris Cooper here. The
24 video and pictures, he sent those to you?

25 A. Yes. When I requested them from you --

1 or you requested them from me.

2 Q. We don't need to talk about
3 client-attorney privilege. So were you out
4 dealing anybody?

5 A. No.

6 MR. KELLER: Since we brought up the
7 photographs here, I believe these -- so I am
8 looking at -- what I sent over is Exhibit 7,
9 Tom, and bates numbers 2017 and 2018. Let me
10 know when you have them.

11 MR. THOMPSON: I have got them.

12 MR. KELLER: Okay, thanks.

13 BY MR. KELLER:

14 Q. Star, I am looking at Exhibit 2017.
15 What am I looking at?

16 A. That is a grader going off the edge of
17 the side of a canal.

18 Q. Okay. Is there a date at the top?

19 A. September 9, 2019.

20 Q. Have you seen this photograph before?

21 A. Yes.

22 Q. And how did you -- or what was the
23 circumstances for you seeing this photograph?

24 A. I requested it from -- I requested any
25 photos and videos -- well, I requested a video

1 from Chris Cooper, and he sent me these.

2 Q. These were taken by -- and you are
3 certain that they were taken by Chris Cooper?

4 A. Yes.

5 Q. And what -- were you informed who was
6 inside of the grader at the time?

7 A. Yes. He told me this was Tim Morrison
8 stuck in the ditch, and Cooper had to come and
9 pull him out with his grader.

10 Q. And as I am looking at 2018, what am I
11 looking at?

12 A. You are looking at front angle of this
13 stuck grader.

14 Q. That's on the same day, this
15 September 9, 2019?

16 A. It is.

17 Q. Do you know if there was an accident
18 report that ended up in Tim Morrison's file?

19 A. I have no idea.

20 Q. Then what exhibit number are we on?

21 MS. OATSVALL: 15.

22 MR. KELLER: I am going to mark these as
23 Exhibit 15, Tom.

24 (Exhibit 15 was marked for
25 identification.)

1 BY MR. KELLER:

2 Q. I am looking at the same exhibit
3 number -- it would be -- that I sent over, bates
4 numbers 4001 and 400 -- just 4001. Can you
5 describe what bates number 4001 is?

6 A. That is a dump truck that slid off the
7 road into a ditch and almost rolled.

8 Q. Okay. Where did this photograph come
9 from?

10 A. Rowdi Briggs sent it to me.

11 Q. And who is -- do you know who the driver
12 was?

13 A. That was Tim Morrison.

14 Q. Do you know if that ended that -- let me
15 back up. When did this occur?

16 A. About a month, month and a half ago.

17 Q. Where at?

18 A. It is on a road between Cody and Clark
19 called 7RP. It's in the Cody district. We're
20 building it up right now.

21 Q. Do you know if this made it into Tim
22 Morrison's file?

23 A. I have no idea.

24 MR. KELLER: I am going to enter this as
25 Exhibit 16 -- or mark it as Exhibit 16, Tom.

1 MR. THOMPSON: Okay.

2 (Exhibits 16, 17, and 18 were marked for
3 identification.)

4 BY MR. KELLER:

5 Q. I have here bates number 4002 and 4003.
6 Can you -- Star, can you explain what bates 4002
7 and 4003?

8 A. This is our water tanker, TR28. This is
9 in the county shop. There is damage to these --
10 the bumper on this. You can see the metal is
11 ripped and mangled.

12 Q. Why is it -- how did you get this
13 photograph?

14 A. I took this photograph.

15 Q. Okay.

16 This is while you were in the shop?

17 A. Yes, it is was parked next to the truck
18 I was driving.

19 Q. Do you know who had or what caused the
20 damage?

21 A. Yes. Tim Morrison was clearing the
22 parking lot at the shop, and he backed into it
23 with his grader.

24 Q. Okay.

25 Do you know if there was an accident

1 report filed on this incident?

2 A. No, I don't.

3 Q. When did this incident happen?

4 A. About -- not this winter, but the winter
5 before, I believe.

6 Q. So you're talking about the winter of
7 2022 or 2023?

8 A. It would have been right -- probably --
9 well, 2022, 2023, sometime in that time.

10 Q. You have any idea if this made -- if
11 there was a -- any report of this that made it
12 into Tim Morrison's file?

13 A. I don't know.

14 Q. Do you know if there were any retraining
15 actions or disciplinary actions made for Tim
16 Morrison regarding these accidents?

17 A. No, I don't.

18 Q. So when you first went to the Powell
19 shop, did you get to know Cindy Stewart?

20 A. I had worked with her for a couple years
21 by then, yes.

22 Q. You had observed her operate equipment?

23 A. Yes.

24 Q. Was she a competent operator?

25 A. I mostly got to watch her run a roller,

1 a sweep, a mower, and the trucks, but yes, she
2 was competent.

3 Q. And did you get a chance to talk to her
4 about why she was retiring?

5 A. She had told Kelly Triplett and
6 myself -- I believe it was Kelly Triplett, but
7 she had told me that since they had put Paco in
8 charge -- she would have stayed another five
9 years, but since they put Paco in charge, she
10 wasn't staying.

11 Q. So I am going to re-ask the question
12 again. Did you talk to her about why she was
13 retiring?

14 A. Yes.

15 Q. Per that conversation, what was your
16 understanding of why she was retiring?

17 A. Because Paco got put in charge, and she
18 wouldn't be treated the way he treats her.

19 Q. Did she describe to you how Paco treated
20 her? By "her," I mean Cindy Stewart.

21 A. She said like a red-headed stepchild.

22 Q. Did she give you any advice about Paco?

23 A. She told me -- yes.

24 Q. Okay. What was your understanding of
25 that advice?

1 A. She -- it was, I better document
2 everything or I would be next.

3 Q. What did you take it to mean by "being
4 next"?

5 A. To be talked down to and treated like
6 crap.

7 Q. So you believe that Delray Paco had a --
8 Delray Jones had a history of treating females
9 in the department disparagingly?

10 MR. THOMPSON: Objection to form.

11 THE WITNESS: Yes, that's yes.

12 BY MR. KELLER:

13 Q. I am just going to break that down
14 because of the objection. We went through that
15 you had spoken with Cindy Stewart, correct?

16 A. Correct.

17 Q. And we -- you had spoken with her about
18 how Paco had treated her in the past, correct?

19 A. Correct.

20 Q. And due to those conversations with
21 Cindy Stewart, are you led to believe that
22 Delray Paco has a history of treating women in
23 the department disparagingly?

24 A. Yes.

25 MR. THOMPSON: Objection to form.

1 BY MR. KELLER:

2 Q. Talking about Delray Jones, does he --
3 well, you heard questions yesterday about there
4 being another female to dump.

5 A. Yes.

6 Q. Does Delray Jones supervise the dump?

7 A. No.

8 Q. Did Gator supervise the dump?

9 A. No.

10 Q. Do they have their own foreman?

11 A. Yes.

12 Q. Now when you were working underneath
13 Dale Hobby, was shopping and doing other
14 gophering type tasks, was that a shared
15 responsibility?

16 A. Yes.

17 Q. And can you describe, for the record,
18 like, how that was shared?

19 A. Generally, whoever was available would
20 go to the store to get water or whatever
21 supplies we needed from the store, so whoever,
22 whether it was Cindy, Chris Carter, Coop --
23 Kristopher Cooper, Delray -- even Dale would go
24 to get the water and the stuff for the shop. He
25 would just say, Can you go grab water, to

1 whoever was there and available.

2 Q. And since you had been, or since Delray
3 Paco has been in the shop, is it now still a
4 shared responsibility?

5 A. It has started to become that way, but
6 he told me right after Cindy left that it was my
7 job to keep the water stocked and the supplies
8 up. He said, Don't even ask, just do it. Make
9 sure it is done, and said it was my job.

10 Q. Okay. What about -- when you were
11 working under Ron Nieters, was it a shared
12 responsibility to do the shopping and gophering?

13 MR. THOMPSON: Objection, form,
14 foundation.

15 BY MR. KELLER:

16 Q. When you worked under Ron Nieters, was
17 it a shared responsibility to do the shopping?

18 MR. THOMPSON: Same objection.

19 THE WITNESS: Whenever there were
20 supplies to be gotten, I guess it was, yes,
21 whoever was available if the need arose. But
22 they don't get as much supplies in the Cody
23 shop.

24 BY MR. KELLER:

25 Q. Okay.

1 It came up about driving around doing
2 inspections for roads as well, so under -- when
3 you were working under Ron Nieters, how was that
4 handled?

5 A. Well, generally, when there was a snow
6 event, Gator would go out and check roads and
7 call in everybody for whatever maintenance area
8 needed to be taken care of. There were
9 different odd people out when I had started, I
10 was doing training to be in the snowplow to
11 learn the plow areas, I guess, and learn how to
12 run those plows, but if Ron was gone, then Gator
13 would rather have me in a truck. But we all
14 go -- if there was somebody done with their
15 area, or if there was somebody extra, they would
16 go and check roads.

17 Q. Okay. So if someone was available, they
18 would be the ones when they were finished with
19 their tasks, they would be the ones to inspect
20 the roads under Ron Nieters. Is that what
21 you're saying?

22 A. Yes.

23 Q. And so once Gator, when he was in
24 charge, was that still the same?

25 A. Not really. I would have to go and

1 check the roads, and because I was the odd man
2 out without a truck. So instead of training, I
3 was driving in a pickup.

4 Q. Okay.

5 So you were missing out on training in
6 the truck?

7 A. Uh-huh.

8 MR. THOMPSON: Objection to form.

9 BY MR. KELLER:

10 Q. You currently work with the Cody shop on
11 a regular basis?

12 A. Yes.

13 Q. And do you have interactions with Gator
14 since you moved over to the Cody shop?

15 A. Yes. Or Powell shop, you mean?

16 Q. Yes. Describe your relationship with
17 Gator now.

18 A. Gator is friendly. He waves at me. If
19 we talk, then he is pretty cordial and nice.

20 Q. When did that behavior begin to change?

21 A. A couple of years ago, I was watering
22 chips for him at one of our pits for chip seal
23 season, and that is when he started coming and
24 asking me questions and talking to me.

25 Q. That was after your complaints?

1 A. Yes.

2 Q. Before Delray Paco became -- Delray
3 Jones, did -- became a foreman, did you interact
4 with Delray much?

5 A. Yes, we were friends. I used to go to
6 his house. We drank beer together.

7 Q. That changed once he became a foreman?

8 A. Yes.

9 Q. How often does Delray Jones come out to
10 inspect jobs?

11 MR. THOMPSON: Objection to form,
12 foundation.

13 BY MR. KELLER:

14 Q. I'll back up. So do you believe it's
15 the foreman's job to inspect work that's done?

16 A. Yes.

17 Q. Does that include for safety?

18 A. Yes.

19 Q. And quality control?

20 A. Yes.

21 Q. How often does Delray Jones -- let me
22 rephrase that. On the jobs that you are on, do
23 you see Delray Jones come out to check the jobs?

24 A. Sometimes. We are mostly working on the
25 Cody side now, so we don't see him that often.

1 Q. What about when you are working on the
2 Powell side?

3 A. Most of the time, yes; some of the time,
4 no.

5 Q. Does that include inspecting prior to
6 work for safety reasons?

7 A. I believe he does go out there. He --
8 on the big jobs, like, if we're putting in a
9 culvert, if we're putting in -- I don't know, if
10 we have digging or excavating to do, I believe
11 he goes out and checks the jobs before we get
12 there. I don't know though. I don't know what
13 he does during the day.

14 Q. And for comparison, you do work on the
15 Cody side occasionally?

16 A. Quite a bit, yes.

17 Q. Who is the foreman on the Cody side now?

18 A. Lewis Ash.

19 Q. When you're working on the Cody side,
20 how often do you see Lewis Ash out on the job
21 site doing inspections?

22 A. All day long. He is out there working,
23 inspecting, working, checking, all of it.

24 Q. And how often did Dale Hobby inspect the
25 jobs that you were working on?

1 A. Every time, he was usually out there
2 working with us. He usually got there before us
3 and was sweeping areas, checking areas, clearing
4 up areas, and he was out there all day long.

5 Q. You were beginning to record inspections
6 of the vehicles you worked on, correct?

7 A. Yes.

8 Q. You were documenting and you were --
9 what did you do with -- you created a form?

10 A. I did.

11 Q. Where did you get the idea for creating
12 the form from?

13 A. Because that's the type of form that I
14 have used with my other driving jobs. You have
15 to do a pre-trip and a post-trip inspection at
16 my other jobs.

17 Q. You had taken, as part of your job with
18 Park [sic] & Bridge, and some of the training
19 you also had to do MSHA?

20 A. Yes.

21 Q. By MSHA, it is a 40-hour safety class?

22 A. Yes.

23 Q. Do they -- in that class, did they talk
24 at all about doing inspections?

25 A. Yes.

1 Q. And documenting inspections?

2 A. Yes.

3 Q. Okay. Did Delray tell you to quit
4 documenting inspections?

5 A. He told me that my forms were useless
6 and they weren't needed, and he didn't know why
7 I was doing that.

8 Q. Did he ever provide any type of
9 inspection forms?

10 A. No.

11 Q. So there was a little bit of talk
12 yesterday about a nickname, and so Delray Jones,
13 his nickname is Paco?

14 A. Yes.

15 Q. How does one get their nicknames?

16 A. Just -- I don't know. Everybody in the
17 shop basically has a nickname. I guess they
18 either grew up with it or they were given it for
19 something they did.

20 Q. And you had -- the question came up
21 yesterday if you had called Delray Jones Puco --
22 Puco?

23 A. Uh-huh.

24 Q. Where did that start?

25 A. That started by one of our

1 subcontractors that comes out and lays asphalt.
2 He has a name for everyone including Ponytail,
3 Tarzan, Oileo. He has a name for all of us, and
4 that was his name for Paco, and that stuck. It
5 just stuck because a lot of people at the Cody
6 and the Powell shop have used it.

7 Q. So you're not the one who started it?

8 A. No.

9 Q. To your knowledge, are you the only one
10 that has said it?

11 A. No.

12 Q. Now has Delray Jones, has he called you
13 something else?

14 A. Sweetie.

15 Q. Does he call you Sweetie on a regular
16 basis?

17 A. No. I think it is only by accident, and
18 then the guys give me a hard time and say, Oh.

19 Q. You ever hear him call any other males a
20 similar equivalent to Sweetie?

21 A. No.

22 MR. KELLER: Tom, I am going to take a
23 quick break here and go over my notes and see if
24 I have missed anything.

25 MR. THOMPSON: Okay. I have got some

1 redirect.

2 MR. KELLER: I figured you probably
3 would. Thanks.

4 (A recess was taken from 11:21 a.m.
5 until 11:25 a.m.)

6 BY MR. KELLER:

7 Q. Just a reminder, Star, that you're under
8 oath. So getting back to your experience and
9 education, you had mentioned that you didn't
10 finish high school?

11 A. No, I did not.

12 Q. You got a GED?

13 A. Correct.

14 Q. That was back in '86?

15 A. '86.

16 Q. And have you taken college courses since
17 that time?

18 A. Yes.

19 Q. Which college courses did you take?

20 A. Mostly English, philosophy, biology and
21 anatomy, anatomy lab, and writing. I also took
22 some nursing.

23 Q. How long ago did you take those courses?

24 A. The writing and stuff was in, I believe,
25 somewhere in the '90s, '91. The nursing was

1 around '97.

2 Q. Did you complete a degree program?

3 A. I did a CNA course that I completed and
4 worked as a CNA for awhile.

5 Q. As far as the college courses, did you
6 receive another degree?

7 A. No, I did not.

8 Q. Did you complete all of the -- you
9 listed off English. Did you complete your
10 English classes?

11 A. Yes.

12 Q. How many classes?

13 A. It was one semester's worth. It was
14 only just the general.

15 Q. And what about your writing class?

16 A. Same thing.

17 Q. One semester?

18 A. Yep. One semester, same thing with all
19 of them.

20 Q. Were all these classes taken in the same
21 semester?

22 A. Most of them, yes, except for the CNA.

23 Q. In regards to the handbook policy that
24 you were -- that Road & Bridge had, you said
25 you'd familiarized yourself with it?

1 A. Yes.

2 Q. Did you understand all of it?

3 A. No.

4 Q. Is that why you'd call Brian Edwards?

5 MR. THOMPSON: Objection to form.

6 BY MR. KELLER:

7 Q. Did you call Brian Edwards to ask
8 questions about the policy?

9 A. No.

10 Q. Did you call Brian Edwards to ask him
11 how to handle a complaint?

12 MR. THOMPSON: Same objection.

13 BY MR. KELLER:

14 Q. As you had read through the -- went over
15 it with Mr. Tom Thompson yesterday, that was
16 also in the handbook?

17 A. Will you repeat that?

18 Q. How to handle complaints for the EEOC?

19 A. Yes, that is in there, mostly under the
20 sexual harassment and harassment, I guess. And
21 the discrimination, I guess, but it says -- it
22 leads right into sex harassment.

23 Q. When you had called Brian Edwards to
24 gain an understanding of that, did he explain
25 where to look for the policy?

1 MR. THOMPSON: Objection to form.

2 BY MR. KELLER:

3 Q. Let me rephrase that. Did Brian Edwards
4 tell you to call the county attorney?

5 A. No. He told me he was HR.

6 Q. Did you have any reason to doubt Brian
7 Edwards?

8 A. No.

9 Q. By stating that Brian -- when Brian
10 Edwards told you he was HR, what did that mean
11 to you?

12 A. That meant that I was to direct my
13 complaints or questions or issues to him.

14 Q. By "him," you mean Brian Edwards?

15 A. Yes.

16 Q. At any point, did he direct you to
17 reread your handbook?

18 A. No.

19 Q. At any point, did he direct you to call
20 the county attorney?

21 A. No.

22 MR. KELLER: I don't have any further
23 questions, Tom.

24 MR. THOMPSON: Okay.

25 All right, Ma'am, I have got a few

1 questions for you.

2 BY MR. THOMPSON:

3 Q. Let's start off with your testimony a
4 little earlier there. From 2002 through 2010,
5 you were operating a tractor on your property in
6 Oklahoma. Do you recall that?

7 A. Yep.

8 Q. Do you recall that you told your
9 attorney that that property consisted of
10 approximately 20 acres of which five acres was
11 not wooded, correct?

12 A. Correct.

13 Q. On your job application, you indicate,
14 which is Deposition Exhibit 1, you indicate that
15 from 2009 through 2011, you were working as a
16 server/bartender at the Irma Hotel. So were you
17 working at the Irma Hotel or were you in
18 Oklahoma working this property?

19 A. I left Oklahoma in September of 2009,
20 late September.

21 Q. So your earlier testimony that you were
22 there from 2002 through 2010 is incorrect?

23 A. No, we owned the property until 2010, so
24 yeah, I left in 2009, so yes, it is 2002
25 through 2009.

1 Q. So your earlier testimony is incorrect,
2 correct?

3 A. Correct.

4 MR. KELLER: I am going to object as to
5 the form of the question. That is not what was
6 asked during my questioning, I believe.

7 MR. THOMPSON: Counsel, I think we have
8 been doing good, but let's agree to keep the
9 objections to non-speaking objections.

10 BY MR. THOMPSON:

11 Q. Ma'am, you didn't list any experience in
12 operating a tractor on your job application, did
13 you?

14 A. No.

15 Q. You didn't notify Park County Road &
16 Bridge, you didn't notify Ron Nieters. You
17 didn't list it on your application, correct?

18 MR. KELLER: Objection to form.

19 BY MR. THOMPSON:

20 Q. Is that correct?

21 A. I did not list it on my application, no.

22 Q. You didn't tell Ron Nieters?

23 A. I don't recall any conversations to
24 that, no.

25 Q. There is a -- wouldn't you agree with me

1 there is a significant difference from operating
2 a Kubota 3800 series to operating a Cat 950?

3 A. There is a huge difference, yeah.

4 Q. The Kubota 3800, you see people that
5 have a small plot of land using a brush mower.
6 It's approximately 2700 pounds, correct?

7 A. I don't know. With the mower on it,
8 it's probably more than that, but yes.

9 Q. In a Cat, 950 is approximately 30,000
10 pounds, correct?

11 A. Yes.

12 Q. In a mower, a 772 grader is
13 approximately 25,000 pounds, the one that Park
14 County has, correct?

15 A. Correct.

16 Q. When you talked about Ron Nieters let
17 you mess around with stuff, that was -- I put
18 that in quotes. "Got to mess around with that
19 stuff." Does that mean that you were on a road
20 grader for 40 hours a week when you were at Park
21 County Cody shop?

22 A. No, he trained me in it for a couple of
23 days, ten hours here, five hours there, four
24 hours here.

25 Q. Do you have any documentation as to how

1 much training you had in the various pieces of
2 equipment?

3 A. As I said yesterday, that would be in
4 the books under -- that Brian Edwards has in the
5 office. It would be under those records.

6 Q. Why didn't you journal that in your
7 diary? You were keeping records of all other
8 kinds of work.

9 A. I did journal that.

10 Q. Let me finish the question, Ma'am.

11 A. Okay.

12 Q. You were keeping all kinds of other work
13 entries.

14 A. I did journal that.

15 Q. Okay. Is it in the journals you have
16 provided, or is that in the journals that you
17 have held back?

18 A. It is in -- it will say the equipment,
19 like, it will say MG 42, or what BD 06, or it
20 will be under what we write down for the job
21 code for equipment.

22 Q. Okay. So if it is not in your journals,
23 it didn't happen, correct?

24 A. Incorrect. There were sometimes I was
25 just putting it in. Ron Nieters can tell you

1 that.

2 Q. Well, let's talk about Ron Nieters
3 because within a year of being transferred to
4 the Powell shop, or a year and a half, you were
5 promoted by Delray Jones to Operator II,
6 correct?

7 A. Correct.

8 Q. Ron Nieters never promoted you to
9 Operator II?

10 A. He had put me in for Operator II.

11 Q. You never were promoted to Operator II
12 while you were at the Cody shop.

13 A. Correct.

14 Q. Let's go to Exhibit 8, which are the job
15 descriptions.

16 A. Eight?

17 Q. Yeah. Let me know when you're there.

18 A. I am there.

19 Q. You talked about the equipment that is
20 required of this job description, but what was
21 not talked about is the working levels that are
22 required for each of these jobs. And you'd
23 agree with me that there is different skill
24 levels required for Operator I, Operator II and
25 Operator III, correct?

1 A. I would.

2 Q. And for example, Operator I working
3 skilled -- well, the general purpose states,
4 "perform working level skilled tasks," correct?
5 Page 1?

6 A. Yes.

7 Q. And page 2, under Park County 1229, it
8 states, "Apprentice level skill in the operation
9 of medium and heavy equipment," correct?

10 A. Correct.

11 Q. So you would agree it is more than just
12 becoming familiar with the equipment. You have
13 to demonstrate a skill level that would allow
14 you to serve as an Operator II or an Operator
15 III?

16 A. I would agree.

17 Q. Thank you. You talked about immediately
18 when you came to work for the Cody shop that you
19 began operating equipment, and you talked about
20 the different equipment you started to operate.
21 You came to work for the Cody shop in November
22 -- mid-November of 2016?

23 A. Correct.

24 Q. Is it your testimony that you were
25 operating a mower then and a sweeper and other

1 equipment that would typically be operated in
2 the summertime?

3 A. No, I started for the county as a
4 flagger.

5 Q. And so it is your testimony that you
6 were laying road cover and gravel when you were
7 operating as a flagger?

8 A. No, sir.

9 Q. In fact, you didn't -- you wouldn't have
10 been, because the weather would have been
11 prohibitive from laying road cover and gravel
12 until the year after you were hired, correct?
13 You didn't do that in the winter months.

14 A. Correct.

15 Q. If a -- I will give you a hypothetical
16 because I think your attorney was asking you
17 some of these hypotheticals, but if an employee
18 trains on a piece of equipment, say, a grader,
19 motor grader for a week, does that make them
20 proficient in the operation of a motor grader?

21 A. No.

22 Q. Does that give them journey level skills
23 on the operation of a motor grader?

24 A. No.

25 Q. Let's go to Park County 01908.

1 MR. KELLER: Is there an exhibit number
2 to that, Tom?

3 MR. THOMPSON: I didn't write it down.
4 This is the matrix.

5 MR. KELLER: Okay. I believe that is
6 13.

7 BY MR. THOMPSON:

8 Q. Do you have that in front of you, Ma'am?

9 A. I do.

10 Q. You were discussing with your attorney
11 when he was asking questions about your pay
12 comparative to other male employees in the
13 county. Do you recall that testimony?

14 A. Yes.

15 Q. And the first entry for you is in 2017,
16 correct?

17 A. Correct.

18 Q. You were being paid 13.71 an hour.

19 A. Correct.

20 Q. And it shows that Arthur Briggs was also
21 hired in 2017, correct?

22 A. Correct.

23 Q. He was being paid 13.71 an hour.

24 A. Correct.

25 Q. John Klein was hired in 2017, correct?

1 A. I am not showing that. Where is Klein?

2 Q. It is on the bottom half -- left.

3 A. John Klein, yes.

4 Q. And James Flowers was hired in 2017, and
5 he was paid 13.71 an hour, correct?

6 A. Correct.

7 Q. John Klein was, in fact, hired as an
8 Operator II, and he received the same initial
9 pay that you received as an Operator I with
10 absolutely no experience, correct?

11 A. That's, I guess that -- yeah, that's
12 what it says, Operator II.

13 Q. So were the male employees that were
14 hired, I mean, was it discriminatory for John
15 Klein to be paid the same that you were being
16 paid as an Operator II?

17 A. I don't know.

18 Q. You would agree with me that John Klein
19 and Arthur Briggs and James Flowers are all
20 males.

21 A. I would agree with you on that.

22 Q. Let's go to Cindy Stewart. When she
23 left in 2019, she was an Operator III, correct?

24 A. Yes.

25 Q. Other than being a foreman, that is the

1 highest level operator that you can be, correct?

2 A. Correct.

3 Q. And she was making more than Chris

4 Carter was when she left, wasn't she?

5 A. Yes.

6 Q. And Chris Carter was being paid as an

7 Operator III, correct?

8 A. No, it looks like they were making the

9 same amount.

10 Q. Let's go to Travis Ball. He is right

11 below Chris Carter. He is an Operator III,

12 correct?

13 A. Correct.

14 Q. Cindy Stewart is making more than Travis

15 Ball is as an Operator III, correct?

16 A. Correct.

17 Q. Is that discriminatory towards Travis

18 Ball? He is an Operator III and a female is

19 getting paid more than he is?

20 A. He had 11.3 years; she had 24.6.

21 Q. So does that mean that these pay

22 differences can be justified by years of

23 experience or proficiency on different pieces of

24 equipment?

25 A. I don't know, yes.

1 Q. Well, what is your understanding of the
2 difference in the pay that people receive? Why
3 does an Operator III receive one wage and
4 another Operator III receive a different wage?

5 A. It's experience and that's -- it's
6 experience and time at your company, I suppose.

7 Q. You would agree with me that that is not
8 discriminatory to pay somebody a higher wage
9 based upon experience?

10 A. And time at the job, yeah.

11 Q. How about just experience?

12 A. Yes.

13 Q. Are you -- do you believe that you
14 should now be an Operator III?

15 A. No, I do not.

16 Q. You talked about when Delray Paco, or
17 excuse me, Delray Jones, Paco Jones, was hired
18 on as the foreman. Do you recall that
19 testimony?

20 A. Yes.

21 Q. It is fair to say you do not like Delray
22 Jones?

23 A. No, that is not fair to say. I don't
24 like him as a foreman.

25 Q. You don't respect him in the workplace,

1 correct?

2 A. Yes, I do.

3 Q. Well, you don't answer his calls,
4 correct?

5 A. I answer his calls when I am required to
6 answer his calls.

7 Q. On the radio?

8 A. On the radio and on my phone, if it's --
9 I am on call.

10 Q. So up to the time that you made a
11 decision that you weren't going to take his
12 calls on your cell phone prior to that time,
13 that was routine practice in Road & Bridge,
14 wasn't it?

15 A. For the Powell side, yes.

16 Q. Then you decided that you were going to
17 make that change that you were no longer going
18 to communicate by cell phone, and that was a
19 unilateral decision that you made, correct?

20 A. No.

21 Q. Who made it?

22 A. We were given an addendum or a letter
23 stating we were not supposed to be -- we had a
24 radio for a reason, and we were not supposed to
25 be texting and calling on our phones.

1 Q. Is that for personal calls?

2 A. I don't know. It is just said calls.

3 Q. You were in Kris Cooper's court as far
4 as getting the foreman job, correct?

5 A. No, I went to Brian Edwards and told him
6 Paco should get the job.

7 Q. Does Chris Cooper know that?

8 A. Yes.

9 Q. When did you do that? When did you talk
10 to Brian Edwards about that?

11 A. Before Paco got the job, when they were
12 all going in for interviews.

13 Q. Seems to me that way Road & Bridge works
14 is it's Paco's discretion as to who is on what
15 equipment and who does what job; is that fair?

16 A. Yes.

17 Q. You disagree with a lot of the decisions
18 he has made as a foreman as far as who is on
19 what equipment and who is doing what job?

20 A. No.

21 Q. Despite what you just testified to under
22 oath?

23 A. Yes.

24 Q. So you agree with all the decisions he
25 has made as a foreman?

1 A. No.

2 Q. So you do disagree with decisions that
3 he has made as far as who is on what equipment
4 and who does what job.

5 A. No, I don't agree with all of his
6 decisions. I agree with some of his decisions.

7 Q. Do you think you should be the shop
8 foreman?

9 A. No.

10 Q. Let's go back to 1 or 01908. If you
11 look at that, in fiscal year 2020, I believe
12 your attorney was asking you questions about
13 either fiscal year '19 or 2020. Let's just stay
14 with 2020. I think the question was directed at
15 current employees, but if you look at male
16 employees that are no longer with Park County,
17 there are a number of operators that were being
18 paid less than you in 2020, correct?

19 A. Correct.

20 Q. So how do you explain that?

21 A. Phil Heeg had to be trained and get his
22 CDL just like I did. He came with no experience
23 on that first year. That --

24 Q. So that justified him not being trained
25 and no experience justified a lower wage.

1 A. He had just been trained. That was the
2 new -- I guess, pay grade. I don't know what
3 that justifies. That just -- that is the new
4 pay grade for new employees at that time.

5 Q. And my question to you is, could you
6 explain that, or why is that? Is the fact that
7 Mr. Heeg, Phillip Heeg, had no experience, did
8 that justify being paid a lower wage?

9 A. Yes, just like I was.

10 Q. And then how about?

11 A. Mr. Merino?

12 Q. Mr. Merino. He is an Operator II and he
13 is making less than you.

14 A. And I don't know what happened there
15 with that. I have no idea why he was so low. I
16 don't know why.

17 Q. Could be his lack of experience?

18 A. No, he had worked for several years.

19 Q. So he should have been paid higher than
20 you at that time?

21 A. I have no idea. I assumed he was.

22 Q. I think we have covered this, but in
23 2019, Cindy Stewart is being paid more than
24 significant number of employees with Road &
25 Bridge. Cindy Stewart, a female, correct?

1 A. Correct.

2 Q. As a matter of fact, she is getting paid
3 more than anybody listed in the top half of this
4 document, other than Gator Tom Hiltz and Jeff
5 Gerard, correct?

6 A. Yes.

7 Q. Can you justify that based upon her
8 years of service, longevity and her training on
9 various pieces of equipment, correct?

10 A. I don't justify it. It is what it is.
11 I can't assume why she was being paid more.

12 Q. She was a proficient operator; is that
13 correct?

14 A. Yes.

15 Q. You talked about Tim Morrison's
16 reputation as an operator, and in response to a
17 question asked of you by your attorney, and you
18 referred to Joe and Kip at the Cody shop. Who
19 are you referring to?

20 A. Joe and Kip. I don't know their last
21 names.

22 Q. Are their names on this document? Kip
23 Matteson?

24 A. Yes.

25 Q. And Joe Beckett?

1 A. Becktold.

2 Q. Are those two individuals that told you
3 what you testified to?

4 A. Yes.

5 Q. When did they tell you that?

6 A. Several months ago, last year.

7 Q. So November of 2023?

8 A. I don't know. I don't have that
9 information in front of me. I can't give you an
10 exact date.

11 Q. You didn't write that down in your diary
12 or on your calendar?

13 A. I don't have that in front of me.

14 Q. Did you write it down on your diary or
15 calendar?

16 A. I don't know.

17 Q. Listening to the response to your
18 questions in regards to damage to equipment, it
19 sounds to me like you are blaming Paco for the
20 damage to the John Deere tire because he didn't
21 direct somebody to inspect the ditch. Is that
22 accurate?

23 A. No.

24 Q. Is that your responsibility?

25 A. No.

1 Q. Whose responsibility is that -- the
2 tire?

3 A. Everyone's responsibility.

4 Q. But not yours.

5 A. On the tire? That is -- it's my
6 responsibility. It happened while I was driving
7 it.

8 Q. The belly dump tires, are you blaming
9 that on Kenny Marchant?

10 A. No.

11 Q. Is that your responsibility?

12 A. Yes.

13 Q. On the mower deck, is that the person
14 who welded it responsibility?

15 A. No.

16 Q. Is that your responsibility?

17 A. It's not ruined, so no.

18 Q. I am talking about the damage to the
19 mower deck.

20 A. There was no damage to the mower deck.
21 There was damage to the wear item.

22 Q. We will discuss that -- present those
23 photos at a later date, the ones you saw
24 yesterday. In regards to the repairs made by
25 the mechanic, just so I understand it, you're

1 not a mechanic, correct?

2 A. I am not.

3 Q. You never worked as a mechanic?

4 A. No.

5 Q. You didn't do the repairs on the vehicle
6 that you were referencing?

7 A. No.

8 Q. You talked about that you found it
9 offensive that somebody would have a rumor about
10 you and Chris Cooper.

11 Do you recall that testimony?

12 A. Yes.

13 Q. But if you and Chris Cooper were
14 conspiring to get Delray Paco Jones fired, that
15 would be something that would be relevant to
16 these proceedings, wouldn't it?

17 A. No.

18 Q. No?

19 A. I don't know how.

20 Q. Well, if you were motivated to get him
21 fired, that could be motive for this lawsuit,
22 couldn't it?

23 A. It could be.

24 Q. Okay. So that is a fair question to
25 delve into the relationship that you had with

1 Chris Cooper, who is the individual that
2 competed for Delray Jones' current position.

3 A. No, he is my friend. To jump to that
4 conclusion is wrong.

5 Q. Do you find it offensive, and I think
6 you answered this yesterday, but surreptitiously
7 recording somebody isn't offensive, correct?

8 A. No.

9 Q. Taking photos of coworkers isn't
10 offensive, correct?

11 A. Not in a public place, no.

12 Q. And taking videos of coworkers isn't
13 offensive, correct?

14 A. I did not take videos.

15 Q. I didn't ask. I just said, taking
16 videos of someone is not offensive to you.
17 Taking videos of coworkers?

18 A. In a public place, no.

19 Q. Even if the coworker doesn't know you're
20 doing it.

21 A. Yes.

22 Q. You talked about working with the Cody
23 shop on a regular basis. It was my
24 understanding that the two shops did not work
25 together unless there was a summer project. Is

1 there a reason that you are working in the Cody
2 shop or with the Cody shop on a regular basis?

3 A. I don't know.

4 Q. But that is your testimony, correct?

5 A. That is my testimony, yes.

6 Q. How often has that been over the last
7 two months?

8 A. We've worked with the Cody shop probably
9 90 percent of the time.

10 Q. Doing what?

11 A. Building a road.

12 Q. Where is that road located?

13 A. It's 7RP. It is between Cody and Clark.

14 Q. Last item, you mentioned a checklist
15 that you use on your other jobs, and I think you
16 said it twice, you plural. Are there -- do you
17 have another job other than the mail hauling job
18 that we talked about yesterday?

19 A. Not at this time, no.

20 Q. Have you had other jobs while employed
21 for Park County?

22 A. Yes, I used to run for special ops out
23 of Cody.

24 Q. You testified as to that yesterday.

25 A. Yes.

1 MR. THOMPSON: All right. That's all I
2 have. You have the right to read and sign, or
3 you may waive.

4 MR. KELLER: I don't think I have
5 explained this to her, Tom. So if you want to
6 or if you want me to explain it, I am fine
7 either way.

8 MR. THOMPSON: I just think the court
9 reporter needs to know where to send the
10 deposition transcript to if it is a read and
11 sign.

12 MR. KELLER: What he is asking you is do
13 you want to read your deposition before you --
14 you have the right to object to answers in the
15 end and clarify it. Correct me if I am wrong,
16 Tom, but that opens up the ability for Tom to
17 come back and ask questions about what you have
18 written so.

19 THE WITNESS: Okay.

20 MR. KELLER: You can do that and then
21 sign it and send it in, or you can just get it
22 and sign it, or you can right now say, No, I
23 just waive signing it. That is what he is
24 asking, Star.

25 THE WITNESS: I don't know.

1 MR. KELLER: Would you like to read your
2 deposition before signing it?

3 THE WITNESS: I would.

4 MR. KELLER: Okay.

5 (At 12:04 p.m. the matter was completed)

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WITNESS' SIGNATURE/CORRECTION PAGE

3

4

If there are any typographical errors to your

5

Deposition, please indicate them below.

6

7

PAGE/LINE

8

_____ Change to _____

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12

Any other changes to your Deposition are to be
 listed below with a statement as to the reason
 for such change.

13

14

PAGE/LINE

CORRECTION

REASON FOR CHANGE

15

16

17

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20

I, STARKIE CORNETT, do hereby certify that
 I have read the foregoing pages of my testimony
 as transcribed, and that the same is a true and
 correct record of the testimony given by me in
 this Deposition on March 13, 2024, except for
 the changes made.

21

22

23

24

Date Signed _____

STARKIE CORNETT _____

25

1
2
3 CERTIFICATE4
5 I, Barbara Morgenweck, Registered
6 Professional Reporter, and Certified Court
7 Reporter, do hereby certify that prior to the
8 commencement of the examination the Deponent was
9 duly sworn by me to testify to the truth, the
10 whole truth and nothing but the truth.11 I DO FURTHER CERTIFY that the foregoing is
12 a verbatim transcript of the testimony as taken
13 stenographically by me at the time, place and on
14 the date hereinbefore set forth, to the best of
15 my ability.16 I DO FURTHER CERTIFY that I am neither a
17 relative nor employee nor attorney nor counsel
18 of any of the parties to this action, and that I
19 am neither a relative nor employee of such
20 attorney or counsel, and that I am not
21 financially interested in the action.22 Dated this 2nd Day of April, 2024.
23
24
25*Barbara Morgenweck*-----
Barbara Morgenweck
COURT REPORTER
Registered Professional Reporter
Certified Court Reporter NM # 526
Notary Public

Exhibit 9:

Ron Nieters Deposition Transcript

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3 STARKIE J. CORNETT,) Case No.: 22-CV-00034
4 Plaintiff,)
5 vs.)
6 PARK COUNTY BOARD OF)
7 COUNTY COMMISSIONERS and)
8 its PARK COUNTY ROAD AND)
9 BRIDGE DIVISION OF THE)
PUBLIC WORKS DEPARTMENT,)
Defendants.)
_____)

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14 DEPOSITION OF RONALD C. NIETERS

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 AT CODY, WYOMING

17 APRIL 23, 2024 AT 2:40 P.M.

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21

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REPORTED BY:

23

JOAN F. MARSHALL, C.S.R.

24

Notary Public

25

Two Sisters Reporting Service
(307) 438-1629

<p style="text-align: right;">2</p> <p style="text-align: center;"><u>A P P E A R A N C E S</u></p> <p>MR. MARSHALL E. KELLER, Attorney at Law, of the Keller Law Firm, P.C., P.O. Box 111, Thermopolis, Wyoming 82443, appearing for and on behalf of the Plaintiff.</p> <p>MR. THOMAS A. THOMPSON, Attorney at Law, of the Wyoming Local Government Liability Pool, 6844 Yellowtail Road, Cheyenne, Wyoming 82009, appearing for and on behalf of the Defendants.</p> <p>Also present: Starkie J. Cornett and Brian Edwards.</p>	<p style="text-align: right;">4</p> <p>THE DEPOSITION OF RONALD C. NIETERS was taken on behalf of the Plaintiff on this, the 23rd day of April 2024, at the Park County Public Works Conference Room, 2820 Highway 120 South, Cody, Wyoming, before Two Sisters Reporting Service, by Joan F. Marshall, Court Reporter and Notary Public within and for the State of Wyoming, to be used in an action pending in the United States District Court for the District of Wyoming, said cause being Cause No. 22-CV-00034 in said Court.</p> <p>AND THEREUPON, the following testimony was adduced, to wit:</p> <p style="text-align: center;"><u>RONALD C. NIETERS,</u></p> <p>having been first duly sworn to tell the truth, the whole truth and nothing but the truth relating to said cause, deposes and says:</p> <p style="text-align: center;"><u>EXAMINATION</u></p> <p><u>QUESTIONS BY MR. KELLER:</u></p> <p>Q. Mr. Nieters, for the record, can you state your full name.</p> <p>A. Ronald Charles Nieters.</p> <p>Q. And do you like being called Ron or --</p> <p>A. That's fine.</p> <p>Q. And, Ron, when did you -- well, I want to back up. We'll lay down a few rules here first. I</p>
<p style="text-align: right;">3</p> <p style="text-align: center;"><u>I N D E X</u></p> <p><u>TESTIMONY OF RONALD C. NIETERS:</u> <u>PAGE</u></p> <p>Examination by Mr. Keller 4</p> <p><u>DEPOSITION EXHIBITS:</u> (Previously marked) <u>IDENT'D</u></p> <p>12 - 7/15/20 Park County Position Statement 18</p>	<p style="text-align: right;">5</p> <p>almost forgot.</p> <p>So when we're talking, one thing that we try not to do is step on each other when we're talking or talk over each other. So I'll do my best to leave a pause, you know, before I ask another question, and when I ask a question, just pause. That way it helps the court reporter get a complete record. Okay?</p> <p>And when I ask questions, you're going to have to be verbal about it because the court reporter can't log in head nods and uhms and -- okay?</p> <p>A. Yes.</p> <p>MR. THOMPSON: You listened.</p> <p>BY MR. KELLER:</p> <p>Q. Thank you.</p> <p>And the first question that we've asked everybody is you just took an oath, and what is your understanding of that oath?</p> <p>A. That I should tell you what I know.</p> <p>Q. And you understand that if you're not honest, there's a possibility for legal repercussions later on, correct?</p> <p>A. Yes.</p> <p>Q. Now, I'm just going to ask you a bit</p>

<p style="text-align: right;">6</p> <p>1 about your background. You worked for the Park</p> <p>2 County Road & Bridge?</p> <p>3 A. I did.</p> <p>4 Q. How long did you work for Park County</p> <p>5 Road & Bridge?</p> <p>6 A. 38 years.</p> <p>7 Q. And did you retire from Park County</p> <p>8 Road & Bridge?</p> <p>9 A. I did.</p> <p>10 Q. When did you retire?</p> <p>11 A. Four years ago, I think. Is it three?</p> <p>12 Three years ago.</p> <p>13 Q. About three years ago?</p> <p>14 A. Yeah.</p> <p>15 Q. 2020, '21, somewhere in there?</p> <p>16 A. Actually, '21, I think. I just saw that</p> <p>17 sign this morning.</p> <p>18 Q. And what was your position at the time of</p> <p>19 retirement?</p> <p>20 A. Foreman.</p> <p>21 Q. And which shop out of were you foreman</p> <p>22 at?</p> <p>23 A. Cody.</p> <p>24 Q. How long had you been in the position of</p> <p>25 foreman before retirement?</p>	<p style="text-align: right;">8</p> <p>1 A. Actually, maintenance of all county</p> <p>2 roads, snowplow, grading, building roads.</p> <p>3 Q. And were you in charge of employees?</p> <p>4 A. Yes.</p> <p>5 Q. About how many employees did you oversee</p> <p>6 at that point?</p> <p>7 A. Oh, I think I had 12.</p> <p>8 Q. And were you also in charge of training</p> <p>9 those employees?</p> <p>10 A. Yes, and the other hands also trained</p> <p>11 employees.</p> <p>12 Q. And if another hand was training</p> <p>13 employees, is that something you would assign</p> <p>14 someone to do or --</p> <p>15 A. Yeah.</p> <p>16 Q. And did you also -- were you in charge of</p> <p>17 evaluating skill levels of your employees?</p> <p>18 A. Yes.</p> <p>19 Q. Can you explain the process for</p> <p>20 evaluating skill levels?</p> <p>21 A. I would go out and watch them. Like when</p> <p>22 Star started, I would ride with her.</p> <p>23 Q. And when it came to training, can you</p> <p>24 explain the -- at least when you were foreman, the</p> <p>25 process for training an employee on a new piece of</p>
<p style="text-align: right;">7</p> <p>1 A. Frank Page left in '90 -- '92 or 3, and</p> <p>2 then I took over foreman, Road & Bridge foreman.</p> <p>3 But prior to that, I was -- actually, I was a</p> <p>4 Road & Bridge superintendent, and then after, I was</p> <p>5 Road & Bridge working foreman. And then when Frank</p> <p>6 quit, they put me as Road & Bridge superintendent,</p> <p>7 so I worked for the commissioners.</p> <p>8 Q. Okay. So can you explain the job</p> <p>9 position as superintendent?</p> <p>10 A. Maintaining the county roads.</p> <p>11 Q. Were you overseeing the Powell and Cody</p> <p>12 shop at the time or --</p> <p>13 A. No, just Cody. After Frank Page left,</p> <p>14 they made me boss over here, and the guy in Powell</p> <p>15 was over there.</p> <p>16 Q. And was that just a -- and as foreman, is</p> <p>17 that the same as being a superintendent?</p> <p>18 A. I guess.</p> <p>19 Q. And as the foreman, what's your -- well,</p> <p>20 what were your responsibilities?</p> <p>21 A. For the road systems, take care of the</p> <p>22 road systems.</p> <p>23 Q. By take care, do you mean -- your</p> <p>24 responsibility as the foreman, what was the job</p> <p>25 description?</p>	<p style="text-align: right;">9</p> <p>1 equipment.</p> <p>2 A. I would assign them to a lead operator,</p> <p>3 and they would go out with them. And I would take</p> <p>4 the recommendations of them, the lead operator, on</p> <p>5 how they were doing.</p> <p>6 Q. So if they were training someone, would</p> <p>7 it be -- could you walk -- actually, just walk me</p> <p>8 through the steps of how the training was supposed</p> <p>9 to happen.</p> <p>10 A. Well, when they were training on a</p> <p>11 grader, they would take another grader with them,</p> <p>12 and they would grade together. And the lead</p> <p>13 operator would talk to them, tell them what they're</p> <p>14 doing right, tell them what they're doing wrong,</p> <p>15 and then he would sometimes stop his grader and</p> <p>16 just watch them. That's how we did it.</p> <p>17 Q. So it's not like you would just take</p> <p>18 someone out and walk them around a piece of</p> <p>19 equipment and show them the controls and let them</p> <p>20 go to town or do the work?</p> <p>21 A. That, and we'd be up here in the back</p> <p>22 just in our yard so they didn't screw anything up.</p> <p>23 Q. So you're saying that when you would walk</p> <p>24 around and show them the equipment, you'd take them</p> <p>25 out to the yard and watch them operate for a while</p>

<p style="text-align: right;">10</p> <p>1 and make sure they had the basics?</p> <p>2 A. Had an idea of it, yes.</p> <p>3 Q. And then after that, did you just let</p> <p>4 them go out on their own, or did they have to still</p> <p>5 have someone observe them for a bit?</p> <p>6 A. They were with somebody.</p> <p>7 MR. THOMPSON: Counsel, I'm sorry. Is</p> <p>8 this my exhibit?</p> <p>9 MR. KELLER: It's the same one that you</p> <p>10 handed -- 13.</p> <p>11 (Whereupon, discussion was held off the</p> <p>12 record.)</p> <p>13 BY MR. KELLER:</p> <p>14 Q. All right. And so when you're saying</p> <p>15 someone was out there watching, it would be an</p> <p>16 experienced equipment operator with them?</p> <p>17 A. Yes.</p> <p>18 Q. And then they would observe and give</p> <p>19 instruction?</p> <p>20 A. Yes.</p> <p>21 Q. And as the foreman, who did you report</p> <p>22 to?</p> <p>23 A. The county commissioners and the</p> <p>24 engineer. I would let the engineer know what we</p> <p>25 were doing and where we were working.</p>	<p style="text-align: right;">12</p> <p>1 Q. -- with Road & Bridge?</p> <p>2 Do you recall if she was hired full time</p> <p>3 or temporary?</p> <p>4 A. She worked for us that summer flagging,</p> <p>5 and then she got her training while she was part</p> <p>6 time. And when she was put on full time, she was</p> <p>7 trained for that position.</p> <p>8 Q. Okay.</p> <p>9 A. She was qualified for that position.</p> <p>10 Q. And when she was working part time, what</p> <p>11 equipment was she trained on?</p> <p>12 A. Well, in the summer she would sweep for</p> <p>13 me, and then after the chips were all swept, we</p> <p>14 started training her on a truck, an end dump and</p> <p>15 then a belly dump. And to run a truck and a belly</p> <p>16 dump, you have to also learn how to run a loader</p> <p>17 because you have to load your own truck.</p> <p>18 Q. And do you know if she had her CDL when</p> <p>19 she started?</p> <p>20 A. She did not.</p> <p>21 Q. Okay. Is that -- go ahead.</p> <p>22 A. We got it for her.</p> <p>23 Q. Okay.</p> <p>24 A. At that time, we could do that. Now, I</p> <p>25 don't think you can. I think you have to go to</p>
<p style="text-align: right;">11</p> <p>1 Q. So was Brian Edwards your boss, or was he</p> <p>2 the same level as you?</p> <p>3 A. I would say that he was -- added</p> <p>4 education, so I don't know if we would say we were</p> <p>5 on the same page -- or same level, but I was there</p> <p>6 a long time.</p> <p>7 Q. And were you the one that made</p> <p>8 recommendations for advancements?</p> <p>9 A. Yes.</p> <p>10 Q. And you understand the pay grade scheme</p> <p>11 that -- or at least at the time when you were</p> <p>12 working?</p> <p>13 A. I do -- did.</p> <p>14 Q. And what were the different equipment</p> <p>15 operator levels?</p> <p>16 A. Operator 1, 2 and 3.</p> <p>17 Q. And when Star was hired, do you know who</p> <p>18 recommended hiring Star?</p> <p>19 A. I did.</p> <p>20 Q. And do you know what her starting</p> <p>21 position was?</p> <p>22 A. What her -- operator -- or she was a</p> <p>23 truck driver. You were an operator 1.</p> <p>24 Q. Is that when she very first started --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">13</p> <p>1 school for it now.</p> <p>2 Q. And when you were training Star, was that</p> <p>3 the same process that you previously described as</p> <p>4 other equipment operators?</p> <p>5 A. Yeah.</p> <p>6 Q. And you mentioned that you had trained</p> <p>7 her on the belly dump?</p> <p>8 A. Yes.</p> <p>9 Q. And the dump truck and trailer?</p> <p>10 A. Yes. You got that backwards.</p> <p>11 Q. Or trailer and -- yeah, go ahead and</p> <p>12 explain it for us.</p> <p>13 A. We trained her on an end dump first and</p> <p>14 then a belly dump. That's a truck and trailer.</p> <p>15 Q. And I've heard the word "end dump" a</p> <p>16 couple times. Can you describe what an end dump</p> <p>17 is?</p> <p>18 A. It's a -- I don't even know the GVW on</p> <p>19 it. It's just a dump truck. It's a cab and a</p> <p>20 truck and a box, and in that box goes a sander and</p> <p>21 a plow for snow.</p> <p>22 Q. And you mentioned that you trained her on</p> <p>23 the broom and sweep.</p> <p>24 A. Yes.</p> <p>25 Q. And was she trained in your shop as well</p>

<p style="text-align: right;">14</p> <p>1 for the tractor and mower?</p> <p>2 A. Yes.</p> <p>3 Q. What about the --</p> <p>4 A. Well, I don't know if she's ever mowed</p> <p>5 for me. I don't -- we had Brock that did that, but</p> <p>6 she might have been. I can't remember, to be</p> <p>7 honest with you.</p> <p>8 Q. And what about the water truck?</p> <p>9 A. Yes.</p> <p>10 Q. And the dozer?</p> <p>11 A. Yes.</p> <p>12 Q. Roller?</p> <p>13 A. Yes.</p> <p>14 Q. Chip spreader?</p> <p>15 A. I don't think she was ever on that.</p> <p>16 Q. Excavator?</p> <p>17 A. She dug a hole up here in the -- up in</p> <p>18 the yard.</p> <p>19 Q. So as far as her training in your shop,</p> <p>20 she was able to get in it in the yard here under</p> <p>21 supervision --</p> <p>22 A. Yeah, she was.</p> <p>23 Q. -- is what you're saying?</p> <p>24 A. Yeah.</p> <p>25 Q. But she didn't get out on the job site</p>	<p style="text-align: right;">16</p> <p>1 run it. They've got to be able to know what</p> <p>2 they're doing. They've got to be able to be let</p> <p>3 out alone.</p> <p>4 Q. And during the time that Star Cornett was</p> <p>5 in the Cody shop, did she have the skill levels on</p> <p>6 the equipment that you mentioned to operate on her</p> <p>7 own?</p> <p>8 A. No.</p> <p>9 Q. What equipment did she not have the skill</p> <p>10 levels to operate on her own?</p> <p>11 A. Grader, excavator, dozer.</p> <p>12 Q. What about the belly dump?</p> <p>13 A. She was fine there.</p> <p>14 Q. The end dump?</p> <p>15 A. Fine.</p> <p>16 Q. And the water truck?</p> <p>17 A. Fine.</p> <p>18 Q. The broom and sweep?</p> <p>19 A. Fine.</p> <p>20 Q. And you mentioned you weren't sure about</p> <p>21 the tractor and mower or you can't remember.</p> <p>22 A. Yeah, I don't remember if she mowed for</p> <p>23 me or not because I always had a guy do that that</p> <p>24 came, that was a summer hand.</p> <p>25 Q. And did you evaluate Star for</p>
<p style="text-align: right;">15</p> <p>1 and operate?</p> <p>2 A. No.</p> <p>3 Q. What about the road grader?</p> <p>4 A. That was in the yard -- oh, and I took</p> <p>5 her out on a road. I don't remember what the road</p> <p>6 number is. It was out in --</p> <p>7 MS. CORNETT: Red Lake.</p> <p>8 A. -- Red Lake.</p> <p>9 MR. THOMPSON: You can't --</p> <p>10 A. Red Lake, and she got to operate it out</p> <p>11 there a little bit, and I was in with her.</p> <p>12 BY MR. KELLER:</p> <p>13 Q. Now, in regards to making recommendations</p> <p>14 for advancement, what did you base the</p> <p>15 recommendations on?</p> <p>16 MR. THOMPSON: Talking generally anyone?</p> <p>17 BY MR. KELLER:</p> <p>18 Q. Yes, generally.</p> <p>19 A. Time.</p> <p>20 Q. And did you include a skill level in that</p> <p>21 at all?</p> <p>22 A. Yeah.</p> <p>23 Q. Would you make recommendations based on</p> <p>24 time only?</p> <p>25 A. Well, time, and they've got to be able to</p>	<p style="text-align: right;">17</p> <p>1 advancement?</p> <p>2 A. Yeah.</p> <p>3 Q. And did you make a recommendation for her</p> <p>4 to advance?</p> <p>5 A. No.</p> <p>6 Q. And you never made a -- I'm going to ask</p> <p>7 it another way. Did you ever make a recommendation</p> <p>8 for her to advance to equipment operator 2?</p> <p>9 A. No.</p> <p>10 Q. Why not?</p> <p>11 A. She needed time in the seat.</p> <p>12 MR. KELLER: Hold on one second, Tom.</p> <p>13 Can we go off the record for a second.</p> <p>14 (Whereupon, discussion was held off the</p> <p>15 record.)</p> <p>16 BY MR. KELLER:</p> <p>17 Q. Did you ever make a recommendation for a</p> <p>18 pay advancement for Starkie Cornett?</p> <p>19 A. Yeah, I think I did.</p> <p>20 Q. And who did you make that recommendation</p> <p>21 for the pay advancement to?</p> <p>22 A. Brian.</p> <p>23 Q. And do you recall what happened with that</p> <p>24 recommendation?</p> <p>25 A. I think it was shot down by the county</p>

<p style="text-align: right;">18</p> <p>1 commissioners.</p> <p>2 Q. Do you recall when that was made?</p> <p>3 A. I don't.</p> <p>4 Q. Did you ever talk to a county attorney,</p> <p>5 Mr. Hatfield?</p> <p>6 A. I don't think so.</p> <p>7 Q. What I have here is -- this has been in</p> <p>8 our previous depositions. It's Exhibit 12.</p> <p>9 MR. THOMPSON: Okay.</p> <p>10 BY MR. KELLER:</p> <p>11 Q. I want to just have you -- I want to have</p> <p>12 you read this. The Bates number on Exhibit 12 is</p> <p>13 3021, and it's the second to the last paragraph. I</p> <p>14 want you to go ahead and --</p> <p>15 A. This one?</p> <p>16 Q. This one, the second to the bottom here.</p> <p>17 Go ahead and read that to yourself real quick.</p> <p>18 A. This one?</p> <p>19 Q. Yes.</p> <p>20 A. I'd have to read it again.</p> <p>21 Q. Okay. So I mean if I'm reading that</p> <p>22 correctly, I mean the summation is that someone had</p> <p>23 recommended Ms. Cornett a promotion to operator 2.</p> <p>24 A. Okay.</p> <p>25 Q. Is that your understanding of that</p>	<p style="text-align: right;">20</p> <p>1 that down?</p> <p>2 A. No.</p> <p>3 MR. THOMPSON: Objection as to form,</p> <p>4 misstates his testimony.</p> <p>5 BY MR. KELLER:</p> <p>6 Q. I'm asking. So do you know if Brian</p> <p>7 turned it down?</p> <p>8 A. No.</p> <p>9 Q. No, you don't know?</p> <p>10 A. I don't know. I believe that the county</p> <p>11 commissioners shut us down.</p> <p>12 Q. And what makes you believe the county</p> <p>13 commissioners shut it down?</p> <p>14 A. Because they weren't giving anybody</p> <p>15 raises at that time.</p> <p>16 Q. Were there employees in the past that had</p> <p>17 been hired that didn't meet expectations, did not?</p> <p>18 A. I don't recall any.</p> <p>19 Q. And let me -- I think that's probably a</p> <p>20 poor question. When someone gets hired, they list</p> <p>21 their experience on their application; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And do you recall anybody that had put</p> <p>25 down experience on their application that wasn't --</p>
<p style="text-align: right;">19</p> <p>1 paragraph?</p> <p>2 A. I guess, yes.</p> <p>3 Q. And you're saying that wasn't you that</p> <p>4 made the recommendation to equipment operator 2?</p> <p>5 A. I don't even know who that is.</p> <p>6 Q. All right. And by that, you don't know</p> <p>7 who Mr. Hatfield is?</p> <p>8 A. Huh-uh, no.</p> <p>9 Q. When you made that recommendation, do you</p> <p>10 recall if there was a wage freeze at that time?</p> <p>11 MR. THOMPSON: Made what recommendation,</p> <p>12 Counsel?</p> <p>13 BY MR. KELLER:</p> <p>14 Q. Let me make that clear. When you made</p> <p>15 the recommendation for a pay increase, do you know</p> <p>16 if there was a budget freeze at the time?</p> <p>17 A. There very well could have been. We</p> <p>18 didn't get raises for years.</p> <p>19 Q. But you're not sure if there was or not?</p> <p>20 A. No.</p> <p>21 Q. When you made the recommendation -- I</p> <p>22 think you may have answered this, but who was the</p> <p>23 recommendation made directly to?</p> <p>24 A. Brian.</p> <p>25 Q. Brian. And you're stating Brian turned</p>	<p style="text-align: right;">21</p> <p>1 that claimed to be an operator that needed</p> <p>2 training?</p> <p>3 A. No.</p> <p>4 Q. And have you hired experienced employees</p> <p>5 in the past that came with bad habits for operating</p> <p>6 equipment?</p> <p>7 A. I can't recall.</p> <p>8 Q. And in your mind, what makes a good</p> <p>9 equipment operator?</p> <p>10 A. Experience and be able to run a crew when</p> <p>11 they're out on the job.</p> <p>12 Q. What about just operating the equipment?</p> <p>13 You said run a crew.</p> <p>14 A. That's an operator 3 actually.</p> <p>15 Q. Yeah.</p> <p>16 A. Would you --</p> <p>17 Q. Yeah. Like if I was to say -- let's</p> <p>18 pick -- well, let's say a dozer, if you were to --</p> <p>19 or any single piece of equipment. What makes</p> <p>20 someone a good operator of that piece of equipment?</p> <p>21 A. Okay. When I go out there after they're</p> <p>22 done and I can drive that road and I can tell if I</p> <p>23 like it or not.</p> <p>24 Q. And you're talking about whether or not</p> <p>25 the end product is a good product?</p>

<p style="text-align: right;">22</p> <p>1 A. Yes.</p> <p>2 Q. And the equipment that you were able to</p> <p>3 train Star on, do you believe you trained her to be</p> <p>4 a good operator?</p> <p>5 A. Yes, in the truck and the stuff that she</p> <p>6 was doing daily.</p> <p>7 Q. But to get to that point, you have to</p> <p>8 have time in that piece of equipment?</p> <p>9 A. Yes.</p> <p>10 Q. And if someone was not getting time in</p> <p>11 equipment, would that harm their career</p> <p>12 advancement?</p> <p>13 MR. THOMPSON: Objection as to the form.</p> <p>14 THE DEPONENT: Pardon?</p> <p>15 MR. THOMPSON: I objected as to form. Go</p> <p>16 ahead and answer if you can.</p> <p>17 A. I'm not real sure. Would you repeat that</p> <p>18 one more time.</p> <p>19 BY MR. KELLER:</p> <p>20 Q. Yes. So if someone wasn't getting time</p> <p>21 in various pieces of equipment, would that harm</p> <p>22 their ability to advance to like say equipment</p> <p>23 operator 2 or 3?</p> <p>24 MR. THOMPSON: Same objection.</p> <p>25 A. Not really because they -- if they stay</p>	<p style="text-align: right;">24</p> <p>1 A. The date?</p> <p>2 Q. Just roughly, yes.</p> <p>3 A. No.</p> <p>4 Q. But you do recall that she did transfer?</p> <p>5 A. Yes.</p> <p>6 Q. And whose choice was it for her to</p> <p>7 transfer?</p> <p>8 A. She did.</p> <p>9 Q. Do you know why she requested a transfer?</p> <p>10 A. No.</p> <p>11 Q. Did she ever complain to you about</p> <p>12 treatment from other employees in the Cody shop?</p> <p>13 A. Not to me.</p> <p>14 Q. Did Brian Edwards ever inform you that he</p> <p>15 was taking complaints from Star Cornett to the</p> <p>16 county attorney?</p> <p>17 A. I don't recall him telling me that.</p> <p>18 Q. And did you know Cindy Stewart?</p> <p>19 A. I did.</p> <p>20 Q. Did she ever work in the Cody shop with</p> <p>21 you?</p> <p>22 A. Yeah.</p> <p>23 Q. How long ago was that?</p> <p>24 A. When she was actually working in Cody?</p> <p>25 Q. Yes.</p>
<p style="text-align: right;">23</p> <p>1 and they hang on and they hang with it, they will</p> <p>2 eventually get some time.</p> <p>3 BY MR. KELLER:</p> <p>4 Q. And do you recall what the skill level</p> <p>5 was required to make operator 2?</p> <p>6 A. You had to drive truck, belly dump,</p> <p>7 loader, run a grader, excavator. You had to be</p> <p>8 able to run pretty much all the equipment.</p> <p>9 Q. And that was to make it to only an</p> <p>10 operator 2, not operator 3?</p> <p>11 A. That was operator 2. Operator 3, you</p> <p>12 needed to be able to run a crew and you had to be</p> <p>13 able to run everything, be proficient in everything</p> <p>14 that we have in the yard.</p> <p>15 Q. So for operator 3, you had to actually</p> <p>16 not only know how to run it, but be able to do a</p> <p>17 good job with it, what you mean by proficient?</p> <p>18 A. Yeah, and run the crew.</p> <p>19 Q. And for operator 2, did you have to be</p> <p>20 proficient in all that equipment?</p> <p>21 A. Not so much. You had to be able to run</p> <p>22 it and run it well, I mean to where you weren't</p> <p>23 endangering the public.</p> <p>24 Q. And do you recall when Star transferred</p> <p>25 to Powell?</p>	<p style="text-align: right;">25</p> <p>1 A. Oh, I -- long time ago.</p> <p>2 Q. So was she in the Powell shop when Star</p> <p>3 came to work for you?</p> <p>4 A. Yes.</p> <p>5 Q. And did Cindy Stewart, did she retire</p> <p>6 before you did?</p> <p>7 A. Yeah.</p> <p>8 Q. Did you get a chance to speak with her</p> <p>9 about why she was retiring?</p> <p>10 A. No.</p> <p>11 Q. Did you ever meet with Cindy Stewart and</p> <p>12 Brian Edwards?</p> <p>13 A. I don't recall. Oh, strike that. Brian</p> <p>14 and I went over and talked to her. About what, I</p> <p>15 don't remember. But yes, we -- I did go talk to</p> <p>16 her with Brian Edwards.</p> <p>17 Q. You just don't recall the conversation?</p> <p>18 A. Huh-uh.</p> <p>19 Q. Do you recall where that conversation</p> <p>20 happened?</p> <p>21 A. Out on a road somewhere in Powell in a</p> <p>22 pickup.</p> <p>23 MR. KELLER: Do you mind if we take a</p> <p>24 second with my client?</p> <p>25 MR. THOMPSON: Absolutely.</p>

<p style="text-align: right;">26</p> <p>1 MR. KELLER: I think I'm pretty much done</p> <p>2 with my questions.</p> <p>3 (Whereupon, discussion was held off the</p> <p>4 record.)</p> <p>5 MR. KELLER: I don't have any further</p> <p>6 questions, Tom.</p> <p>7 MR. THOMPSON: I don't have any</p> <p>8 questions. So we'll read and sign, and actually,</p> <p>9 even though he's not an employee, we can still send</p> <p>10 it -- we'll send it to Brian. And he'll notify you</p> <p>11 when it gets here, if that's all right with you.</p> <p>12 THE DEPONENT: Uh-huh. He'll notify me</p> <p>13 for what?</p> <p>14 MR. THOMPSON: To read your deposition.</p> <p>15 (Whereupon, the deposition was concluded</p> <p>16 at 3:22 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">28</p> <p>1 <u>CHANGE SHEET FOR RONALD C. NIETERS</u></p> <p>2 PAGE LINE READS SHOULD READ REASON</p> <p>3 FOR CHANGE</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 <u>RONALD C. NIETERS</u></p>
<p style="text-align: right;">27</p> <p>1 <u>CERTIFICATE OF WITNESS</u></p> <p>2 I, RONALD C. NIETERS, being first duly</p> <p>3 sworn, depose and say:</p> <p>4 That I am the witness named in the</p> <p>5 foregoing deposition consisting of pages 1 through</p> <p>6 26; that I have read said deposition and know the</p> <p>7 contents thereof; that the questions contained</p> <p>8 therein were propounded to me; and that the answers</p> <p>9 therein contained are true and correct except for</p> <p>10 any changes that I may have listed on the Change</p> <p>11 Sheet attached hereto.</p> <p>12 Dated this _____ day of _____ 2024.</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 RONALD C. NIETERS</p> <p>17</p> <p>18 SUBSCRIBED AND SWORN to before me this</p> <p>19 _____ day of _____ 2024.</p> <p>20</p> <p>21 _____</p> <p>22 NAME OF NOTARY PUBLIC</p> <p>23</p> <p>24 NOTARY PUBLIC FOR _____</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> 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COUNTY OF JOHNSON)</p> <p>6</p> <p>7 I, Joan F. Marshall, a Notary Public in</p> <p>8 and for the State of Wyoming, residing at Buffalo,</p> <p>9 County of Johnson, State of Wyoming, and a Court</p> <p>10 Reporter, do hereby certify:</p> <p>11 That on the 23rd day of April 2024, at</p> <p>12 2:40 p.m., there appeared before me RONALD C.</p> <p>13 NIETERS, pursuant to notice and stipulation of</p> <p>14 counsel, as a witness in the foregoing cause;</p> <p>15 That pursuant to stipulation of counsel,</p> <p>16 said witness was first duly sworn by me to tell the</p> <p>17 truth, the whole truth, and nothing but the truth</p> <p>18 as he testified in said cause, and said witness was</p> <p>19 thereupon examined orally by counsel and made</p> <p>20 answer thereto, under oath, as hereinabove</p> <p>21 contained;</p> <p>22 That the foregoing testimony was taken by</p> <p>23 me in stenograph and thereafter reduced to</p> <p>24 typewriting by me or under my supervision, and the</p> <p>25 foregoing 26 pages contain a full, true and correct</p> <p>26 record of all the testimony given by the witness,</p> <p>27 to the best of my ability;</p> <p>28 That the reading and signing of the</p> <p>29 deposition were expressly requested;</p> <p>30 That I am not a relative or employee or</p> <p>31 attorney or counsel of any of the parties in said</p> <p>32 cause, nor am I a relative or employee of such</p> <p>33 attorney or counsel, nor am I financially</p> <p>34 interested in the action, nor am I a relative of</p> <p>35 any person interested in said action.</p> <p>36 IN WITNESS WHEREOF, I have hereunto set my</p> <p>37 hand and seal this 30th day of April 2024.</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> <p>112</p> <p>113</p> <p>114</p> <p>115</p> <p>116</p> <p>117</p> <p>118</p> <p>119</p> <p>120</p> <p>121</p> <p>122</p> <p>123</p> <p>124</p> <p>125</p> <p>126</p> <p>127</p> <p>128</p> <p>129</p> <p>130</p> <p>131</p> <p>132</p> <p>133</p> <p>134</p> <p>135</p> <p>136</p> <p>137</p> <p>138</p> <p>139</p> <p>140</p> <p>141</p> <p>142</p> <p>143</p> <p>144</p> <p>145</p> <p>146</p> <p>147</p> <p>148</p> <p>149</p> <p>150</p> <p>151</p> <p>152</p> <p>153</p> <p>154</p> <p>155</p> <p>156</p> <p>157</p> <p>158</p> <p>159</p> <p>160</p> <p>161</p> <p>162</p> <p>163</p> <p>164</p> <p>165</p> <p>166</p> <p>167</p> <p>168</p> <p>169</p> <p>170</p> <p>171</p> <p>172</p> <p>173</p> <p>174</p> <p>175</p> <p>176</p> <p>177</p> <p>178</p> <p>179</p> <p>180</p> <p>181</p> <p>182</p> <p>183</p> <p>184</p> <p>185</p> <p>186</p> <p>187</p> <p>188</p> <p>189</p> <p>190</p> <p>191</p> <p>192</p> <p>193</p> <p>194</p> <p>195</p> <p>196</p> <p>197</p> <p>198</p> <p>199</p> <p>200</p> <p>201</p> <p>202</p> <p>203</p> <p>204</p> <p>205</p> <p>206</p> <p>207</p> <p>208</p> <p>209</p> <p>210</p> <p>211</p> <p>212</p> <p>213</p> <p>214</p> <p>215</p> <p>216</p> <p>217</p> <p>218</p> <p>219</p> <p>220</p> <p>221</p> <p>222</p> <p>223</p> <p>224</p> <p>225</p> <p>226</p> <p>227</p> <p>228</p> <p>229</p> <p>230</p> <p>231</p> <p>232</p> <p>233</p> <p>234</p> <p>235</p> <p>236</p> <p>237</p> <p>238</p> <p>239</p> <p>240</p> <p>241</p> <p>242</p> <p>243</p> <p>244</p> <p>245</p> <p>246</p> <p>247</p> <p>248</p> <p>249</p> <p>250</p> <p>251</p> <p>252</p> <p>253</p> <p>254</p> <p>255</p> <p>256</p>

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Exhibit 10:

Kelly Triplett Deposition Transcript

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3 STARKIE J. CORNETT,) Case No.: 22-CV-00034
4 Plaintiff,)
5 vs.)
6 PARK COUNTY BOARD OF)
7 COUNTY COMMISSIONERS and)
8 its PARK COUNTY ROAD AND)
9 BRIDGE DIVISION OF THE)
PUBLIC WORKS DEPARTMENT,)
Defendants.)
_____)

10

11

12

13

14 DEPOSITION OF KELLY J. TRIPLETT

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 AT CODY, WYOMING

17 APRIL 23, 2024 AT 10:05 A.M.

18

19

20

21

22

REPORTED BY:

23

JOAN F. MARSHALL, C.S.R.

24

Notary Public

25

Two Sisters Reporting Service
(307) 438-1629

<p style="text-align: right;">2</p> <p style="text-align: center;"><u>A P P E A R A N C E S</u></p> <p>MR. MARSHALL E. KELLER, Attorney at Law, of the Keller Law Firm, P.C., P.O. Box 111, Thermopolis, Wyoming 82443, appearing for and on behalf of the Plaintiff.</p> <p>MR. THOMAS A. THOMPSON, Attorney at Law, of the Wyoming Local Government Liability Pool, 6844 Yellowtail Road, Cheyenne, Wyoming 82009, appearing for and on behalf of the Defendants.</p> <p>Also present: Starkie J. Cornett and Brian Edwards.</p>	<p style="text-align: right;">4</p> <p>THE DEPOSITION OF KELLY J. TRIPLETT was taken on behalf of the Plaintiff on this, the 23rd day of April 2024, at the Park County Public Works Conference Room, 2820 Highway 120 South, Cody, Wyoming, before Two Sisters Reporting Service, by Joan F. Marshall, Court Reporter and Notary Public within and for the State of Wyoming, to be used in an action pending in the United States District Court for the District of Wyoming, said cause being Cause No. 22-CV-00034 in said Court.</p> <p>AND THEREUPON, the following testimony was adduced, to wit:</p> <p style="text-align: center;"><u>KELLY J. TRIPLETT,</u></p> <p>having been first duly sworn to tell the truth, the whole truth and nothing but the truth relating to said cause, deposes and says:</p> <p style="text-align: center;"><u>EXAMINATION</u></p> <p><u>QUESTIONS BY MR. KELLER:</u></p> <p>Q. Mr. Kelly Triplett, my name is Marshall Keller. What do you prefer being called?</p> <p>A. Kelly or Snuf is fine.</p> <p>Q. And you were just sworn in and gave your oath. What does that oath mean to you?</p> <p>A. Better not lie.</p> <p>Q. And you understand that if you do, then</p>								
<p style="text-align: right;">3</p> <p style="text-align: center;"><u>I N D E X</u></p> <table border="0"> <tr> <td><u>TESTIMONY OF KELLY J. TRIPLETT:</u></td> <td><u>PAGE</u></td> </tr> <tr> <td>Examination by Mr. Keller</td> <td>4</td> </tr> </table> <table border="0"> <tr> <td><u>DEPOSITION EXHIBITS:</u> (Previously marked)</td> <td><u>REFERRED</u></td> </tr> <tr> <td>13 - Summary of Wage Adjustments</td> <td>8</td> </tr> </table>	<u>TESTIMONY OF KELLY J. TRIPLETT:</u>	<u>PAGE</u>	Examination by Mr. Keller	4	<u>DEPOSITION EXHIBITS:</u> (Previously marked)	<u>REFERRED</u>	13 - Summary of Wage Adjustments	8	<p style="text-align: right;">5</p> <p>there's potential ramifications legal-wise that go along with that?</p> <p>A. Yes.</p> <p>Q. And prior to today, did you do any preparation for the depositions?</p> <p>A. I talked with Tom here.</p> <p>Q. Other than meeting with the attorney, did you speak with anybody else?</p> <p>A. No.</p> <p>Q. And you're a current employee of Park County Road & Bridge?</p> <p>A. Yes.</p> <p>Q. Which shop do you work out of?</p> <p>A. The Powell shop.</p> <p>Q. Have you always worked in the Powell shop?</p> <p>A. Yes.</p> <p>Q. When did you start?</p> <p>A. April of '11, 2011.</p> <p>Q. And before working for Park County Road & Bridge, where did you work?</p> <p>A. I worked for the Big Horn Co-op.</p> <p>Q. What did you do for Big Horn Co-op?</p> <p>A. I drove their bulk truck, fuel delivery truck.</p>
<u>TESTIMONY OF KELLY J. TRIPLETT:</u>	<u>PAGE</u>								
Examination by Mr. Keller	4								
<u>DEPOSITION EXHIBITS:</u> (Previously marked)	<u>REFERRED</u>								
13 - Summary of Wage Adjustments	8								

<p style="text-align: right;">6</p> <p>1 Q. And besides driving truck, did you</p> <p>2 operate any other equipment before coming to Road &</p> <p>3 Bridge?</p> <p>4 A. Several pieces, yes.</p> <p>5 Q. What pieces of equipment did you run</p> <p>6 before coming to Road & Bridge?</p> <p>7 A. I've operated scrapers, skid steers, from</p> <p>8 the little skid steers to the big skid tears,</p> <p>9 tractors, loaders, backhoes, excavators, a little</p> <p>10 bit of grader work, several trucks.</p> <p>11 Q. Who did you run that equipment for?</p> <p>12 A. I started out with Rodriguez Farms when I</p> <p>13 was 13, and then I worked for G.K. Construction,</p> <p>14 and then just various equipment through the John</p> <p>15 Deere dealership there in Powell.</p> <p>16 Q. Were you hired on -- let me back up. Do</p> <p>17 you recall what pay rate you were hired on as?</p> <p>18 A. I want to say 13 or 14 something an hour,</p> <p>19 something like that.</p> <p>20 Q. Do you know if that was an equipment</p> <p>21 operator 1 or 2?</p> <p>22 A. It would have been 1.</p> <p>23 Q. And when you were hired on, did you</p> <p>24 already know how to run a bulldozer?</p> <p>25 A. I was acquainted with them just from</p>	<p style="text-align: right;">8</p> <p>1 A. Yes, or vice versa.</p> <p>2 MR. THOMPSON: Counsel, just for the</p> <p>3 record, the Exhibit 13 shows him as an operator 2.</p> <p>4 MR. KELLER: Okay. Thank you.</p> <p>5 BY MR. KELLER:</p> <p>6 Q. So all together, how many years of</p> <p>7 equipment operating experience do you have?</p> <p>8 A. I have to do the math. I started running</p> <p>9 equipment when I was 13, and I'm 59 now. I'll be</p> <p>10 59 in May.</p> <p>11 Q. And you were working at the Powell shop</p> <p>12 when Starkie Cornett transferred over?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have the opportunity to observe</p> <p>15 her operate equipment?</p> <p>16 A. Yes.</p> <p>17 Q. What kind of equipment did you observe</p> <p>18 her operate?</p> <p>19 A. I've seen her run the snowplow, end dump,</p> <p>20 belly dump, the loader, the broom and the mower,</p> <p>21 and she's run the grader a little bit. And I think</p> <p>22 that's about it. That's all I can recall.</p> <p>23 Q. Have you seen her run the dozer?</p> <p>24 A. I've not seen her run the dozer, no.</p> <p>25 Q. What about the roller?</p>
<p style="text-align: right;">7</p> <p>1 working with G.K. I was a mechanic for them, so I</p> <p>2 operated some of their equipment.</p> <p>3 Q. And what about did you need any training</p> <p>4 on the sweep?</p> <p>5 A. No. It's a pretty straightforward piece</p> <p>6 of machinery.</p> <p>7 Q. When you hired on with Road & Bridge, was</p> <p>8 there any equipment you needed training on when you</p> <p>9 were hired?</p> <p>10 A. I had a little bit of training with Chris</p> <p>11 Carter on the blade.</p> <p>12 Q. And by blade, do you mean the road</p> <p>13 grader?</p> <p>14 A. Yes.</p> <p>15 Q. And what's your current position with</p> <p>16 Road & Bridge?</p> <p>17 A. As far as what? Operator 1, 2, 3?</p> <p>18 Q. Yes.</p> <p>19 A. I think my paycheck says operator 2. We</p> <p>20 have a callout sheet with our radio numbers on</p> <p>21 there. It says operator 3 on there, so I don't</p> <p>22 really know.</p> <p>23 Q. So you're saying your callout sheet says</p> <p>24 operator 3, but you think you're getting paid as</p> <p>25 operator 2?</p>	<p style="text-align: right;">9</p> <p>1 A. Yes, yes.</p> <p>2 Q. Chip spreader?</p> <p>3 A. Not -- no.</p> <p>4 Q. Water truck?</p> <p>5 A. Yes.</p> <p>6 Q. What would you consider a competent</p> <p>7 equipment operator?</p> <p>8 MR. THOMPSON: Objection as to form. Go</p> <p>9 ahead and answer if you can.</p> <p>10 A. What --</p> <p>11 BY MR. KELLER:</p> <p>12 Q. What would you consider to be a competent</p> <p>13 equipment operator?</p> <p>14 MR. THOMPSON: Same objection.</p> <p>15 THE DEPONENT: Go ahead and answer?</p> <p>16 MR. THOMPSON: Yes.</p> <p>17 A. Somebody that can do a competent job, I</p> <p>18 guess, get the job completed and not tear anything</p> <p>19 up.</p> <p>20 BY MR. KELLER:</p> <p>21 Q. And from the list of equipment that we've</p> <p>22 mentioned that you had observed Star operating, do</p> <p>23 you believe she's a competent equipment operator?</p> <p>24 A. On those pieces that we just talked</p> <p>25 about, yes.</p>

<p style="text-align: right;">10</p> <p>1 Q. And when Star came to the Powell shop,</p> <p>2 was she doing the same jobs as the other operators</p> <p>3 within the Powell shop?</p> <p>4 A. I don't recall. That's been a long time</p> <p>5 ago.</p> <p>6 Q. Do you believe she had the skill to do</p> <p>7 the same work as the other equipment operators in</p> <p>8 the shop?</p> <p>9 MR. THOMPSON: Objection as to form,</p> <p>10 foundation.</p> <p>11 A. Now, whatever she run she's good at.</p> <p>12 Then, I don't remember. I don't know.</p> <p>13 BY MR. KELLER:</p> <p>14 Q. I'm trying to think on how to reword</p> <p>15 that. So we've gone through the equipment. So</p> <p>16 what's a typical job for Road & Bridge?</p> <p>17 A. What do we do on a daily basis?</p> <p>18 Q. Yes.</p> <p>19 A. Oh, it just depends on that particular</p> <p>20 day. We can be doing anything from plowing snow to</p> <p>21 hauling gravel. There's all kinds of things we do</p> <p>22 in a given day.</p> <p>23 Q. So let's talk about snow. So during the</p> <p>24 winter, what are most of the jobs that you do</p> <p>25 during the winter?</p>	<p style="text-align: right;">12</p> <p>1 the material. There's a grader on site, a roller,</p> <p>2 a water truck sometimes. And a belly dump's just</p> <p>3 hauled to the grader operator or an end dump,</p> <p>4 depending on what we need. And we dump the</p> <p>5 material, and the guy spreads it out and keep</p> <p>6 going.</p> <p>7 Q. And are those jobs you've observed Star</p> <p>8 Cornett doing?</p> <p>9 A. Yeah, yes.</p> <p>10 Q. As well as the other operators?</p> <p>11 A. Yes.</p> <p>12 Q. And what about mowing?</p> <p>13 A. What do you want to know?</p> <p>14 MR. THOMPSON: What's the question?</p> <p>15 BY MR. KELLER:</p> <p>16 Q. I guess the same thing. That's a typical</p> <p>17 job done during the summer?</p> <p>18 A. Yeah. It can be, yeah. It keeps the</p> <p>19 roads from drifting, yes.</p> <p>20 Q. And running the broom and sweep, is that</p> <p>21 a summer job as well?</p> <p>22 A. A lot in the spring to scoop the sand off</p> <p>23 the intersections and things, and there's some in</p> <p>24 the summer after we chip seal.</p> <p>25 Q. And those are also jobs that Starkie</p>
<p style="text-align: right;">11</p> <p>1 A. Snow removal, yeah.</p> <p>2 Q. And is that something that Star does?</p> <p>3 A. Yes.</p> <p>4 MR. THOMPSON: It takes up 11 months out</p> <p>5 of the year.</p> <p>6 THE DEPONENT: No, no. Well, it depends</p> <p>7 I suppose on any given year, yeah.</p> <p>8 BY MR. KELLER:</p> <p>9 Q. And the laying sand?</p> <p>10 A. Putting sand down when we plow, yeah.</p> <p>11 Q. And then once we finally do get to</p> <p>12 construction season and the snow melts, what are</p> <p>13 the typical jobs that Road & Bridge does?</p> <p>14 A. Well, over the wintertime, there's some</p> <p>15 things that get neglected, so we go in and do those</p> <p>16 things in the spring. Like we build up roads with</p> <p>17 pit run, haul pit run to the grader operators, and</p> <p>18 then sometimes, not always, we'll put crushed</p> <p>19 material over the top, put culverts in, trim trees.</p> <p>20 Sometimes we do maintenance that gets neglected</p> <p>21 through the winter in the shop.</p> <p>22 Q. So in regards to building up the roads,</p> <p>23 what pieces of equipment are used for building up</p> <p>24 the roads?</p> <p>25 A. Well, there's a loader at the pit to load</p>	<p style="text-align: right;">13</p> <p>1 Cornett does?</p> <p>2 A. Yes.</p> <p>3 Q. I want to switch gears here a bit. Do</p> <p>4 you understand what compensation time is?</p> <p>5 A. Comp time, yeah.</p> <p>6 Q. Can you explain what compensation time</p> <p>7 is?</p> <p>8 A. It's kind of a tradeoff for overtime.</p> <p>9 You get extra time instead of extra pay for days</p> <p>10 off.</p> <p>11 Q. And who explained to you what</p> <p>12 compensation time was?</p> <p>13 A. Nobody. I just kind of knew, I guess, or</p> <p>14 at least I thought I did. Maybe I don't.</p> <p>15 Q. Have you observed Starkie Cornett</p> <p>16 requesting compensation time?</p> <p>17 A. I don't know. I don't know what people</p> <p>18 ask for.</p> <p>19 Q. Is that something that you've asked for?</p> <p>20 A. I've never asked for comp time.</p> <p>21 Q. Do you know if Del Ray Paco ever allows</p> <p>22 Starkie Cornett to have compensation time?</p> <p>23 MR. THOMPSON: Objection as to form and</p> <p>24 foundation. Go ahead and answer.</p> <p>25 A. Ask the question again, please.</p>

<p style="text-align: right;">14</p> <p>1 BY MR. KELLER:</p> <p>2 Q. Do you know if Del Ray Paco denies</p> <p>3 Starkie Cornett?</p> <p>4 A. Not firsthand, I don't know.</p> <p>5 Q. Do you do your own inspection for</p> <p>6 maintenance for equipment?</p> <p>7 A. Yes.</p> <p>8 Q. And is that standard procedure for</p> <p>9 everybody in the shop?</p> <p>10 A. Yes.</p> <p>11 Q. Have you observed Starkie Cornett being</p> <p>12 instructed to have someone else inspect her</p> <p>13 equipment for her?</p> <p>14 MR. THOMPSON: Objection as to form.</p> <p>15 A. No.</p> <p>16 BY MR. KELLER:</p> <p>17 Q. And if you find something wrong with your</p> <p>18 equipment, what's the typical procedure for having</p> <p>19 it fixed?</p> <p>20 A. If it's something straightforward, we'll</p> <p>21 do it ourselves.</p> <p>22 Q. Have you ever observed Starkie Cornett</p> <p>23 being told that she can't fix something herself?</p> <p>24 A. I've not seen it.</p> <p>25 Q. What if it's something that you can't fix</p>	<p style="text-align: right;">16</p> <p>1 sweetie?</p> <p>2 A. No.</p> <p>3 Q. Have you heard rumors about Star sleeping</p> <p>4 with Kristofer Cooper?</p> <p>5 A. No.</p> <p>6 Q. And coming in here today, do you have any</p> <p>7 fear for retribution from any of your supervisors?</p> <p>8 A. No.</p> <p>9 MR. KELLER: I'm going to take a few</p> <p>10 minutes, if you don't mind, Tom.</p> <p>11 (Whereupon, there was a pause in the</p> <p>12 proceedings.)</p> <p>13 BY MR. KELLER:</p> <p>14 Q. Going back to the compensation time, do</p> <p>15 you know of anybody else that asked for</p> <p>16 compensation -- overtime to get compensation time?</p> <p>17 A. Yes.</p> <p>18 Q. Who does that?</p> <p>19 A. Oh, currently Tim Morrison asks for</p> <p>20 overtime or comp time and maybe others. I don't</p> <p>21 know.</p> <p>22 Q. And do you know if they're granted that?</p> <p>23 A. What?</p> <p>24 Q. Do you know if they're granted that</p> <p>25 request?</p>
<p style="text-align: right;">15</p> <p>1 yourself?</p> <p>2 A. Then we tell Paco, and he'll tell Mike or</p> <p>3 Jason.</p> <p>4 Q. Do you call the mechanic yourself?</p> <p>5 A. Not Jason. We have in the past.</p> <p>6 Q. So in the past, you would call the</p> <p>7 mechanic directly?</p> <p>8 A. With the previous supervisors, the</p> <p>9 previous foremans, we did.</p> <p>10 Q. When did it change?</p> <p>11 MR. THOMPSON: Objection as to form,</p> <p>12 misstates his testimony.</p> <p>13 A. Change is a harsh word. But when Paco</p> <p>14 took over, he just wants to be left in the loop.</p> <p>15 BY MR. KELLER:</p> <p>16 Q. And your nickname is Snuf, correct?</p> <p>17 A. Yes.</p> <p>18 Q. How did you get your nickname?</p> <p>19 A. What does that matter?</p> <p>20 Q. I just -- humor me. So where does the</p> <p>21 name come from?</p> <p>22 A. I used to look like the character in the</p> <p>23 funny papers named Snuffy Smith when I was a little</p> <p>24 boy.</p> <p>25 Q. And have you ever heard Paco call Star</p>	<p style="text-align: right;">17</p> <p>1 A. I assume so. They need help with the</p> <p>2 landfill over here, so everybody is kind of given</p> <p>3 an opportunity.</p> <p>4 Q. I didn't hear that last part.</p> <p>5 A. There's a project at the landfill, and we</p> <p>6 were all offered that comp time. And Tim has taken</p> <p>7 him up on it, so good for him.</p> <p>8 Q. Do you know if that compensation time was</p> <p>9 offered to Starkie Cornett as well?</p> <p>10 A. I think it was offered to everybody</p> <p>11 because it was brought up at the break table. It</p> <p>12 seemed like it was brought up one afternoon that</p> <p>13 the landfill had been granted the okay to work some</p> <p>14 OT and comp time if you want it.</p> <p>15 Q. Have you ever seen Del Ray Paco treat</p> <p>16 Star differently than the rest of the crew?</p> <p>17 A. I've never seen it with my own eyes, no.</p> <p>18 Q. Have you ever heard Del Ray Paco state</p> <p>19 that women shouldn't be working on construction or</p> <p>20 in equipment?</p> <p>21 A. No.</p> <p>22 MR. KELLER: I don't have any further</p> <p>23 questions, Tom.</p> <p>24 MR. THOMPSON: I don't have any. We'll</p> <p>25 read and sign.</p>

<div style="text-align: right;">18</div> <p>1 (Whereupon, the deposition was concluded</p> <p>2 at 10:31 a.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<div style="text-align: right;">20</div> <p>1 <u>CHANGE SHEET FOR KELLY J. TRIPLETT</u></p> <p>2 PAGE LINE READS SHOULD READ REASON</p> <p>3 FOR CHANGE</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 <u>KELLY J. TRIPLETT</u></p>
<div style="text-align: right;">19</div> <p>1 <u>CERTIFICATE OF WITNESS</u></p> <p>2 I, KELLY J. TRIPLETT, being first duly</p> <p>3 sworn, depose and say:</p> <p>4 That I am the witness named in the</p> <p>5 foregoing deposition consisting of pages 1 through</p> <p>6 17; that I have read said deposition and know the</p> <p>7 contents thereof; that the questions contained</p> <p>8 therein were propounded to me; and that the answers</p> <p>9 therein contained are true and correct except for</p> <p>10 any changes that I may have listed on the Change</p> <p>11 Sheet attached hereto.</p> <p>12 Dated this _____ day of _____ 2024.</p> <p>13</p> <p>14 _____</p> <p>15 KELLY J. TRIPLETT</p> <p>16</p> <p>17</p> <p>18 SUBSCRIBED AND SWORN to before me this</p> <p>19 _____ day of _____ 2024.</p> <p>20</p> <p>21 _____</p> <p>22 NAME OF NOTARY PUBLIC</p> <p>23</p> <p>24 NOTARY PUBLIC FOR _____</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> 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<p>193</p> <p>194</p> <p>195</p> <p>196</p> <p>197</p> <p>198</p> <p>199</p> <p>200</p> <p>201</p> <p>202</p> <p>203</p> <p>204</p> <p>205</p> <p>206</p> <p>207</p> <p>208</p> <p>209</p> <p>210</p> <p>211</p> <p>212</p> <p>213</p> <p>214</p> <p>215</p> <p>216</p> <p>217</p> <p>218</p> <p>219</p> <p>220</p> <p>221</p> <p>222</p> <p>223</p> <p>224</p> <p>225</p> <p>226</p> <p>227</p> <p>228</p> <p>229</p> <p>230</p> <p>231</p> <p>232</p> <p>233</p> <p>234</p> <p>235</p> <p>236</p> <p>237</p> <p>238</p> <p>239</p> <p>240</p> <p>241</p> <p>242</p> <p>243</p> <p>244</p> <p>245</p> <p>246</p> <p>247</p> <p>248</p> <p>249</p> <p>250</p> <p>251</p> <p>252</p> <p>253</p> <p>254</p> <p>255</p> <p>256</p> <p>257</p> <p>258</p> <p>259</p> <p>260</p> <p>261</p> <p>262</p> <p>263</p> <p>264</p> <p>265</p> <p>266</p> <p>267</p> <p>268</p> <p>269</p> <p>270</p> <p>271</p> <p>272</p> <p>273</p> <p>274</p> <p>275</p> <p>276</p> <p>277</p> <p>278</p> <p>279</p> <p>280</p> <p>281</p> <p>282</p> <p>283</p> 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<p>648</p> <p>649</p> <p>650</p> <p>651</p> <p>652</p> <p>653</p> <p>654</p> <p>655</p> <p>656</p> <p>657</p> <p>658</p> <p>659</p> <p>660</p> <p>661</p> <p>662</p> <p>663</p> <p>664</p> <p>665</p> <p>666</p> <p>667</p> <p>668</p> <p>669</p> <p>670</p> <p>671</p> <p>672</p> <p>673</p> <p>674</p> <p>675</p> <p>676</p> <p>677</p> <p>678</p> <p>679</p> <p>680</p> <p>681</p> <p>682</p> <p>683</p> <p>684</p> <p>685</p> <p>686</p> <p>687</p> <p>688</p> <p>689</p> <p>690</p> <p>691</p> <p>692</p> <p>693</p> <p>694</p> <p>695</p> <p>696</p> <p>697</p> <p>698</p> <p>699</p> <p>700</p> <p>701</p> <p>702</p> <p>703</p> <p>704</p> <p>705</p> <p>706</p> <p>707</p> <p>708</p> <p>709</p> <p>710</p> <p>711</p> <p>712</p> <p>713</p> <p>714</p> <p>715</p> <p>716</p> <p>717</p> <p>718</p> <p>719</p> <p>720</p> <p>721</p> <p>722</p> <p>723</p> <p>724</p> <p>725</p> <p>726</p> <p>727</p> <p>728</p> <p>729</p> <p>730</p> <p>731</p> <p>732</p> <p>733</p> <p>734</p> <p>735</p> <p>736</p> <p>737</p> <p>738</p> <p>739</p> <p>740</p> <p>741</p> <p>742</p> <p>743</p> <p>744</p> <p>745</p> <p>746</p> <p>747</p> <p>748</p> <p>749</p> <p>750</p> <p>751</p> <p>752</p> <p>753</p> <p>754</p> <p>755</p> <p>756</p> <p>757</p> <p>758</p> <p>759</p> <p>760</p> <p>761</p> <p>762</p> <p>763</p> <p>764</p> <p>765</p> <p>766</p> <p>767</p> <p>768</p> <p>769</p> <p>770</p> <p>771</p> <p>772</p> <p>773</p> <p>774</p> <p>775</p> <p>776</p> <p>777</p> <p>778</p> <p>779</p> <p>780</p> <p>781</p> <p>782</p> <p>783</p> <p>784</p> <p>785</p> <p>786</p> <p>787</p> <p>788</p> <p>789</p> <p>790</p> <p>791</p> <p>792</p> <p>793</p> <p>794</p> <p>795</p> <p>796</p> <p>797</p> <p>798</p> <p>799</p> <p>800</p> <p>801</p> <p>802</p> <p>803</p> <p>804</p> <p>805</p> <p>806</p> <p>807</p> <p>808</p> <p>809</p> <p>810</p> <p>811</p> <p>812</p> <p>813</p> <p>814</p> <p>815</p> <p>816</p> <p>817</p> <p>818</p> <p>819</p> <p>820</p> <p>821</p> <p>822</p> <p>823</p> <p>824</p> <p>825</p> <p>826</p> <p>827</p> <p>828</p> <p>829</p> 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<p>921</p> <p>922</p> <p>923</p> <p>924</p> <p>925</p> <p>926</p> <p>927</p> <p>928</p> <p>929</p> <p>930</p> <p>931</p> <p>932</p> <p>933</p> <p>934</p> <p>935</p> <p>936</p> <p>937</p> <p>938</p> <p>939</p> <p>940</p> <p>941</p> <p>942</p> <p>943</p> <p>944</p> <p>945</p> <p>946</p> <p>947</p> <p>948</p> <p>949</p> <p>950</p> <p>951</p> <p>952</p> <p>953</p> <p>954</p> <p>955</p> <p>956</p> <p>957</p> <p>958</p> <p>959</p> <p>960</p> <p>961</p> <p>962</p> <p>963</p> <p>964</p> <p>965</p> <p>966</p> <p>967</p> <p>968</p> <p>969</p> <p>970</p> <p>971</p> <p>972</p> <p>973</p> <p>974</p> <p>975</p> <p>976</p> <p>977</p> <p>978</p> <p>979</p> <p>980</p> <p>981</p> <p>982</p> <p>983</p> <p>984</p> <p>985</p> <p>986</p> <p>987</p> <p>988</p> <p>989</p> <p>990</p> <p>991</p> <p>992</p> <p>993</p> <p>994</p> <p>995</p> <p>996</p> <p>997</p> <p>998</p> <p>999</p> <p>1000</p>	<div style="text-align: right;">21</div> <p>1 <u>REPORTER'S CERTIFICATE</u></p> <p>2</p> <p>3 STATE OF WYOMING)</p> <p>4) SS.</p> <p>5 COUNTY OF JOHNSON)</p> <p>6</p> <p>7 I, Joan F. Marshall, a Notary Public in</p> <p>8 and for the State of Wyoming, residing at Buffalo,</p> <p>9 County of Johnson, State of Wyoming, and a Court</p> <p>10 Reporter, do hereby certify:</p> <p>11 That on the 23rd day of April 2024, at</p> <p>12 10:05 a.m., there appeared before me KELLY J.</p> <p>13 TRIPLETT, pursuant to notice and stipulation of</p> <p>14 counsel, as a witness in the foregoing cause;</p> <p>15 That pursuant to stipulation of counsel,</p> <p>16 said witness was first duly sworn by me to tell the</p> <p>17 truth, the whole truth, and nothing but the truth</p> <p>18 as he testified in said cause, and said witness was</p> <p>19 thereupon examined orally by counsel and made</p> <p>20 answer thereto, under oath, as hereinabove</p> <p>21 contained;</p> <p>22 That the foregoing testimony was taken by</p> <p>23 me in stenograph and thereafter reduced to</p> <p>24 typewriting by me or under my supervision, and the</p> <p>25 foregoing 17 pages contain a full, true and correct</p> <p>26 record of all the testimony given by the witness,</p> <p>27 to the best of my ability;</p> <p>28 That the reading and signing of the</p> <p>29 deposition were expressly requested;</p> <p>30 That I am not a relative or employee or</p> <p>31 attorney or counsel of any of the parties in said</p> <p>32 cause, nor am I a relative or employee of such</p> <p>33 attorney or counsel, nor am I financially</p> <p>34 interested in the action, nor am I a relative of</p> <p>35 any person interested in said action.</p> <p>36 IN WITNESS WHEREOF, I have hereunto set my</p> <p>37 hand and seal this 30th day of April 2024.</p> <p>38</p> <p>39 _____</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> <p>112</p> <p>113</p> <p>114</p> <p>115</p> <p>116</p> <p>117</p> <p>118</p> <p>119</p> <p>120</p> <p>121</p> <p>122</p> <p>123</p> <p>124</p> <p>125</p> <p>126</p> <p>127</p> <p>128</p> <p>129</p> <p>130</p> <p>131</p> <p>132</p> <p>133</p> <p>134</p> <p>135</p> <p>136</p> <p>137</p> <p>138</p> <p>139</p> <p>140</p> <p>141</p> <p>142</p> <p>143</p> <p>144</p> <p>145</p> <p>146</p> <p>147</p> <p>148</p> <p>149</p> <p>150</p> <p>151</p> <p>152</p> <p>153</p> <p>154</p> <p>155</p> <p>156</p> <p>157</p> <p>158</p> <p>159</p> <p>160</p> <p>161</p> <p>162</p> <p>163</p> <p>164</p> <p>165</p> <p>166</p> <p>167</p> <p>168</p> <p>169</p> <p>170</p> <p>171</p> <p>172</p> <p>173</p> <p>174</p> <p>175</p> <p>176</p> <p>177</p> <p>178</p> <p>179</p> <p>180</p> <p>181</p> <p>182</p> <p>183</p> <p>184</p> <p>185</p> <p>186</p> <p>187</p> <p>188</p> <p>189</p> <p>190</p> <p>191</p> <p>192</p> <p>193</p> <p>194</p> <p>195</p> <p>196</p> <p>197</p> <p>198</p> <p>199</p> <p>200</p> <p>201</p> <p>202</p> <p>203</p> <p>204</p> <p>205</p> <p>206</p> <p>207</p> <p>208</p> <p>209</p> <p>210</p> <p>211</p> <p>212</p> <p>213</p> <p>214</p> <p>215</p> <p>216</p> <p>217</p> <p>218</p> <p>219</p> <p>220</p> <p>221</p> <p>222</p> <p>223</p> <p>224</p> <p>225</p> <p>226</p> <p>227</p> <p>228</p> <p>229</p> <p>230</p> <p>231</p> <p>232</p> <p>233</p> <p>234</p> <p>235</p> <p>236</p> <p>237</p> <p>238</p> <p>239</p> <p>240</p> <p>241</p> <p>242</p> <p>243</p> <p>244</p> <p>245</p> <p>246</p> <p>247</p> <p>248</p> <p>249</p> <p>250</p> <p>251</p> <p>252</p> <p>253</p> <p>254</p> <p>255</p> <p>256</p> <p>257</p> <p>258</p> <p>259</p> <p>260</p> <p>261</p> <p>262</p> <p>263</p> <p>264</p> <p>265</p> <p>266</p> <p>267</p> <p></p>

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EXHIBIT 10A

TIM MORRISON DEPOSITION TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STARKIE CORNETT,
Plaintiff,
V.) 22-CV-00034
PARK COUNTY BOARD OF COUNTY)
COMMISSIONERS and PARK COUNTY)
ROAD AND BRIDGE DIVISION OF)
THE PUBLIC WORKS DEPARTMENT,)
Defendants.)
-----)

March 14, 2024

Remote oral deposition of Tim Morrison conducted
via Zoom in the State of Wyoming, commencing at
1:55 p.m. on the above date, before Barbara
Morgenweck, Registered Professional Reporter,
Realtime Reporter and Notary Public.

MORGENWECK COURT REPORTING
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1 TIMOTHY MORRISON,

2 Having first been duly sworn, testified
3 as follows:

4 EXAMINATION.

5 Q. Mr. Morrison, my name is Marshall
6 Keller. Is there a -- for the record, can you
7 state your full name?

8 A. Timothy Morrison.

9 Q. I'm sorry. Go ahead.

10 A. Timothy Charles Wayne Morrison.

11 Q. And Mr. Morrison, is there a name that
12 you prefer being called by?

13 A. Tim is great. I appreciate that.

14 Q. I am going to go over a couple of
15 things. One of them is a rule with the court
16 reporter, which I just broke. So when we're
17 talking, it's kind of like playing catch. I got
18 to wait for you to throw the ball, then I catch
19 it and you go back and forth, all right. So by
20 that, what I mean is, when I speak, I will just
21 try to wait until I stop and give it a pause
22 before you give an answer, and I will try to do
23 the same, and then that way, we don't step over
24 each other. And with technology it's kind of
25 tough sometimes because there is a lag. It

1 looks like someone is done talking and then it
2 picks back up. Is that something you can agree
3 to do?

4 A. You bet, I can do that.

5 Q. Okay. I will try to do my best as well.
6 The other is, and I am sure Tom will attest to
7 this at some point, but my questions can be
8 confusing sometimes, or if they sound perfectly
9 good to me, but they may not to you. You may
10 not know what I'm talking about. If that is the
11 case, just please let me know. There is nothing
12 wrong with telling me that I have no idea what I
13 am asking and just I will try to re-ask the
14 question in a way that makes sense, okay?

15 A. Okay. Sounds good.

16 Q. This has been brought up in all the
17 depositions as far as I can remember this week,
18 but you just took an oath. Do you understand
19 what that oath meant?

20 A. Yes, I do.

21 Q. What does it mean to you?

22 A. Means I am not going to lie to you, I am
23 going to tell you the truth.

24 Q. By lying, that means that there is
25 possibility of what is considered committing

1 perjury. Do you understand what perjury is?

2 A. I believe so, yes.

3 Q. In your own words, what does it mean to
4 you -- perjury mean?

5 A. Means not being truthful, being
6 dishonest.

7 Q. You understand that for perjury that
8 there is potential legal consequences for
9 committing perjury?

10 A. Yes.

11 Q. All right. So Tim, prior to working for
12 Park County Road & Bridge, what was your work
13 history?

14 A. You want me to just start from Park
15 County and work backwards, or start from my work
16 history and work towards Park County?

17 Q. Well, you can go ahead and work
18 backwards.

19 A. Okay. So before I got hired by Park
20 County Road & Bridge, I worked for the City of
21 Cody up here in Cody, for three years before
22 that. I was firefighter for Loveland Fire
23 Rescue Authority down in Loveland, Colorado for
24 nine years. Before that, I worked for the City
25 of Loveland in the streets department operating

1 heavy equipment.

2 Before, I want to say five years, five
3 or six years, and before that, I worked for --
4 the company had changed names several times, but
5 it is basically the same asphalt company. I
6 worked for Lafarge Northern and it was before
7 that, it was Western Mobile, but it was the same
8 company. They just changed names. They were
9 bought by -- different companies bought them
10 out, so I worked there for five or six years.

11 And before that, I worked for another
12 asphalt company, and then I was in the Navy for
13 four years also. That takes it basically back
14 to the beginning of, you know, once I graduated
15 high school.

16 Q. When you were working for -- before Road
17 & Bridge, for Cody, what equipment did you run
18 for Cody?

19 A. I operated their road graders, dump
20 trucks, rollers, loaders, their paint trucks,
21 fairly certain I might be missing something, but
22 the equipment that they had was everything I
23 operated. I operated their loaders, their
24 graders, their dump trucks. I plowed snow, I
25 maintained all the alleys -- gravel alleys in

1 Cody, skid steer. I worked skid steer, backhoe.
2 I'm trying to remember all the equipment I
3 operated. I think that about rounds it out for
4 you.

5 Q. As far as operating the grader for Cody,
6 what type of work were you using the grader for?

7 A. Maintaining a couple of -- we had a
8 couple of different gravel roads. They weren't
9 terribly long, but we had gravel roads we
10 maintained. I took care of all the alleys. All
11 the alleys in Cody are gravel except for maybe
12 two or three, so I graded all the alleys and
13 made sure they were in good condition.

14 Q. What about for snow removal?

15 A. I ran a road grader plowing Main Street,
16 basically, when we got heavy snows. They had me
17 on Sheridan Avenue plowing the snow from curb to
18 curb to the center of the road and any other
19 streets I was directed to go to.

20 Q. Is there a difference between
21 maintaining the alley ways versus the county
22 roads as far as how the -- well, just in the
23 maintenance?

24 A. There is a little bit of difference,
25 yes. Most of the alleys don't have borrow pits

1 where you grab the material out of the ditch and
2 put it back into the road. The alleys were
3 basically flat, so I would grade the material
4 from one side. I would carry it back and forth
5 until I got it back into the road the way I
6 wanted it to turn out.

7 Q. And when you're with the Loveland Fire
8 Department, was there any equipment you ran with
9 the fire department?

10 A. I operated every fire truck they owned,
11 and I also plowed snow for the City of Loveland
12 on my off days when I wasn't a fireman, and that
13 was either with a grader or a snowplow and plow
14 truck.

15 Q. And then you -- for Lafarge, well, yeah
16 you said there were two asphalt companies?

17 A. Yep. There was Lafarge. I went to work
18 for Lafarge after I got out of the military.
19 Before that it was called Sterling Companies.
20 That was right out of high school. I went to
21 work for Sterling Companies doing asphalt work,
22 and then I went in the military. And when I got
23 out of the military to supplement going to
24 college, I went and got hired back with the
25 company and it changed names.

1 Q. Were you running equipment when you were
2 working for Lafarge?

3 A. Yes, I was.

4 Q. What equipment were you operating with
5 Lafarge?

6 A. Backhoe, landscape tractor, I think up
7 here in Wyoming people call them skip loaders.
8 It's a tractor with a drag box on the back.
9 They are operated asphalt pavers, rollers. I
10 also, when we were working, I traveled on a
11 highway paving crew. When I did that, I
12 would -- they would take -- bring a motor grader
13 out to the job because we used to shoulder the
14 roads after we paved them, and I would operate
15 the grader in the pit maintaining the pit roads
16 and keeping -- just doing any odd jobs I could
17 find with the grader to do around the gravel pit
18 and the hot plant.

19 Q. Did you operate a dozer at all?

20 A. I did not.

21 Q. Did you operate an excavator at all?

22 A. No.

23 Q. Had you operated a belly dump at all?

24 MR. THOMPSON: Counsel, just for

25 clarification, are you talking about when he

1 worked for Lafarge or any time in his life?

2 MR. KELLER: I will clarify that.

3 Thanks, Tom.

4 BY MR. KELLER:

5 Q. So prior to working for Road & Bridge,
6 did you operate a dozer?

7 A. I did for the City of Cody for about a
8 half an hour.

9 Q. Prior to working for Road & Bridge, had
10 you operated an excavator?

11 A. Yes.

12 Q. Where did you operate the excavator at?

13 A. The City of Cody.

14 Q. Prior to working for Road & Bridge, had
15 you operated a belly dump?

16 A. Yes, I did.

17 Q. Where did you operate that at?

18 A. City of Cody and also Lafarge.

19 Q. Prior to working for Road & Bridge, had
20 you operated an oil distributor?

21 A. No. I had been around them when I
22 worked in the asphalt industry, and I knew my
23 way around one fairly well, but I never operated
24 one, no.

25 Q. Prior to working for Road & Bridge, had

1 you operated the water tanker?

2 A. Yes.

3 Q. Who did you operate the water tanker
4 for?

5 A. City of Cody and the City of Loveland
6 also.

7 Q. Prior -- before Road & Bridge, had you
8 operated the mower?

9 A. The mower?

10 Q. Yeah?

11 A. I have operated mowers for the City of
12 Loveland.

13 Q. When you were hired on, did anybody
14 from -- or before you were hired on with Road &
15 Bridge, did anyone from Park County come out to
16 observe you operating equipment?

17 A. No.

18 Q. Do you know if -- when you left --
19 before you came over to Road & Bridge if your
20 super -- let me back up.

21 Who is your supervisor for the City of
22 Cody?

23 A. Rob Kramer.

24 Q. Do you know if Rob Kramer had given you
25 a recommendation for working at Road & Bridge?

1 A. No, Rob Kramer was upset that I was
2 leaving the City of Cody.

3 Q. I will try to rephrase that. Do you
4 know if Road & Bridge after you were -- if Road
5 & Bridge had verified your experience with the
6 City Park or the City of Cody?

7 MR. THOMPSON: Objection to form,
8 foundation, speculation. Answer if you can.

9 BY MR. KELLER:

10 Q. I am just asking your knowledge. Do you
11 know if they had verified your experience with
12 the City of Cody?

13 A. I don't know.

14 Q. And, Tim, I'm just going to tell you,
15 that's another rule I forgot to mention, if you
16 don't know something, you're perfectly fine
17 saying you don't know, okay?

18 A. Okay.

19 Q. I am not trying to catch you on
20 anything, I am just trying to gather
21 information, so that's fine.

22 So I am going to bring up Exhibit 16 and
23 Bate stamp 4001. Is MaryBeth there to help out?

24 MR. KELLER: Okay. Thank you, Mary.

25 MR. THOMPSON: I told you you're getting

1 a bill when this is over with.

2 MR. KELLER: I know. I know. That's
3 what happens when I am working on this stuff.

4 BY MR. KELLER:

5 Q. Tim, have you seen this picture before?

6 A. Yes.

7 Q. Can you tell me, do you know who took
8 the picture?

9 A. I do not.

10 Q. And what is in the picture?

11 A. That would be a dump truck in the ditch.

12 Q. Was that a dump truck you were driving?

13 A. Yes, it was.

14 Q. Where did this happen at?

15 A. It's called 7RP in the Clark area.

16 Q. When this happened, was -- I see a
17 grader in the background. Is that -- am I
18 correct in saying that that's a grader back
19 behind the truck?

20 A. Yes.

21 Q. In your own words, can you tell me what
22 happened in this picture?

23 A. The grader operator was laying out the
24 material in one lane, and I attempted to go
25 around him in the other lane of -- on the road,

1 and the bank shoulder was soft, and the rear end
2 of the truck slid out from underneath me.

3 Q. Okay. Was there damage to the truck?

4 A. Not caused by me.

5 Q. I am just asking. I mean, when this --
6 after this happened, was there damage?

7 A. Yes.

8 Q. What was the damage?

9 A. The hoist that lifts the bed was broken
10 and one of the springs was broken.

11 MR. KELLER: That's all the questions I
12 have about that, Tim. I appreciate that.
13 Thanks.

14 You can go ahead and take that down.
15 Just one second, Tom. I think that about wraps
16 it up on this.

17 MR. THOMPSON: Okay.

18 (A recess was taken from 2:14 p.m. until
19 2:15 p.m.)

20 MR. KELLER: Tom, that is all the
21 questions I have for Tim.

22 MR. THOMPSON: I have no questions. We
23 will go ahead and read and sign.

24 Barbara, you can send that to Brian as
25 with the other deposition transcripts.

1 (At 2:15 p.m. the matter was completed)

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WITNESS' SIGNATURE/CORRECTION PAGE

If there are any typographical errors to your
Deposition, please indicate them below.

PAGE/LINE

_____ Change to _____
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Any other changes to your Deposition are to be
listed below with a statement as to the reason
for such change.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, TIM MORRISON, do hereby certify that I
have read the foregoing pages of my testimony as
transcribed, and that the same is a true and
correct record of the testimony given by me in
this Deposition on March 14, 2024, except for
the changes made.

Date Signed TIM MORRISON

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CERTIFICATE

I, Barbara Morgenweck, Registered Professional Reporter, and Certified Court Reporter, do hereby certify that prior to the commencement of the examination the Deponent was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Dated this 4th Day of April, 2024.

Barbara Morgenweck

Barbara Morgenweck
COURT REPORTER
Registered Professional Reporter
Certified Court Reporter NM # 526
Notary Public